

HIGH COMMISSIONER'S NOTICE No. 26 of 1930.

The subjoined Agreement is hereby published for general information.

By Command of His Excellency the  
High Commissioner.

B. E. H. CLIFFORD;

Imperial Secretary.

High Commissioner's Office,  
Capetown, 7th March, 1930.

AGREEMENT

made and entered into between Alexander Augustus Frederick William Alfred George, Earl of Athlone, Knight of the Most Noble Order of the Garter, Knight Grand Cross of the Most Honourable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of the Royal Victorian Order, Companion of the Distinguished Service Order, His Britannic Majesty's High Commissioner for South Africa and as such acting for and on behalf of the Governments of the Territories of Swaziland Basutoland and the Bechuanaland Protectorate (hereinafter called the Governments of the Territories) of the one part and Senhor Jose Ricardo Pereira Cabral, Lieutenant-Colonel of Cavalry, Governor-General of Mozambique, acting for and on behalf of the Government of the Colony of Mozambique (hereinafter called the Government of Mozambique) of the other part.

The Governments of the Territories and the Government of Mozambique have mutually agreed and do hereby covenant with each other as follows:—

ARTICLE I.

The Governments of the Territories and the Government of Mozambique shall grant to each other reciprocally the treatment of the most favoured nation, as hereinafter stated:—

The products of the soil or of the industries of the Territories shall, on importation into Mozambique, and *vice versa* the products of the soil or of the industries of Mozambique shall, on importation into the Territories, not be subject to other or higher duties or charges than those which are or may be levied on the like products of any other country; provided that—

- (a) products of the Territories shall not be entitled to the customs privileges which are or may hereafter be accorded by Mozambique to the products of Portugal, Madeira, the Azores, and the Portuguese colonies;
- (b) products of Mozambique shall not be entitled to such minimum rates or rebates as under the legislation of the Territories are or may hereafter be granted in respect of products of Great Britain and Northern Ireland and the British Dominions, Colonies, or Possessions when imported therefrom for consumption within the Territories;
- (c) products of Mozambique shall not be entitled to the privileges accorded to the products of the Union of South Africa and of Southern and Northern Rhodesia, by virtue of the customs agreements now existing or agreements of a like nature hereafter concluded between the Governments of the Territories and of the said countries;
- (d) the levying of dumping duties by either the Governments of the Territories or the Government of Mozambique in the interest of an industry established within the Territories or the Union of South Africa or within Mozambique as the case may be, shall not be deemed to be incompatible with the provisions of this Agreement.

#### ARTICLE II.

The products of the soil or of the industries of the Territories, as set forth in Schedule B annexed, shall be admitted into Mozambique without payment of any import duties, and reciprocally, the products of the soil or of the industries of Mozambique, as set forth in Schedule A annexed, shall be admitted into the Territories without payment of any import duties.

#### ARTICLE III.

(a) In the event of any excise or other internal duty being imposed in the Territories on any products of the Territories or of the Union of South Africa similar to those specified in Schedule A, or in Mozambique on any products of Mozambique similar to those specified in Schedule B, a corresponding duty or surtax shall, on importation, be levied on the like products of Mozambique or of the Territories respectively.

(b) The products of the Territories specified in Schedule B, when imported into Mozambique and the products of Mozambique specified in Schedule A when imported into the Territories shall be liable to the lowest municipal or other internal taxes levied or to be levied in Mozambique and the Territories respectively.

#### ARTICLE IV.

All products of the soil or of the industries of the Territories passing in transit through Mozambique, and all products of the soil or of the industries of Mozambique passing in transit through the Territories, shall be exempt from transit, export or re-export duties in Mozambique and the Territories respectively, but shall remain liable to port charges, and in the case of Mozambique to the tax known as the commercial contribution, to lighthouse dues and stamp duties, subject to the following reservations:—

- (a) The transit through or re-exportation from Mozambique of minerals of all kinds, including coal for bunkers, being the products of the Territories, shall be free of customs duties or any other taxes whatsoever in Mozambique;
- (b) the transit through or re-exportation from Mozambique of gold coin to or from the Territories shall be free of customs duties and any other taxes whatsoever in Mozambique.

#### ARTICLE V.

(a) Goods of any origin or nationality passing in transit through or re-exported from the district of Lourenco Marques and destined for the Territories shall be free of all transit and re-export duties in Lourenco Marques, except the commercial contribution, lighthouse dues, and stamp duties.

(b) Goods of any origin or nationality passing in transit through or re-exported from the Territories and destined for Mozambique shall be free of all transit and re-export duties in the Territories.

#### ARTICLE VI.

Goods of any origin or nationality arriving in the district of Lourenco Marques from the Territories by land for shipment from Lourenco Marques, shall be free of all transit and re-export duties, except lighthouse dues and stamp duties.

#### ARTICLE VII.

(1) Goods *ex* customs warehouses and *ex* bonded warehouses within the district of Lourenco Marques shall be admitted into the Territories upon payment of the duties in force in the Territories at the time of entry thereto, *ad valorem* duties to be assessed on the value of the goods in the country whence exported to Lourenco Marques at the time of exportation.

(2) Such goods shall be exempt in Lourenco Marques from the payment of any transit or re-export duties, except port charges, the commercial contribution and stamp duties.

(3) Importers of such goods into the Territories will be required to produce sufficient evidence to satisfy the customs authorities as to their value and also to furnish any other information which may be required for the protection of the revenue of the Territories.

#### ARTICLE VIII.

The Governments of the Territories and the Government of Mozambique undertake not to impede the mutual trade by the imposition of any prohibitions or special restrictions upon imports into or exports from their respective countries but exceptions may be made—

- (1) in consideration of the public safety, or public health, and on moral or humanitarian grounds;
- (2) in consideration of the protection of animals and plants against disease, insects and harmful parasites, or for their preservation from degeneration or extinction;
- (3) in respect of arms, ammunition and implements of war, and, under exceptional circumstances, other military supplies;
- (4) in respect of the export of national treasures of artistic, historic or archaeological value;
- (5) in respect of goods which are or may be objects of a State monopoly;
- (6) in respect of prison- or penitentiary-made goods;
- (7) in extending to imported products the prohibitions or restrictions which are or may be imposed in respect of the production, sale, transport or consumption of similar local products;
- (8) in subjecting the exportation of their products to certain conditions with a view to ensuring the quality and preserving the reputation of those products, and at the same time offering a guarantee to the foreign purchaser;

provided that such prohibitions or restrictions are applied at the same time and in the same manner and to the same extent to other countries in regard to which like grounds for applying such measures exist, and provided further that they do not constitute a disguised restriction on the mutual trade.

#### ARTICLE IX.

With respect to the provisions of this Agreement the Governments of the Territories and the Government of Mozambique undertake—

- (a) to adopt all measures and to enact all laws that may be necessary for the exact fulfilment of the Articles herein contained;
- (b) not to adopt measures and not to enact laws annulling or diminishing its effects.

#### ARTICLE X.

Any dispute that may arise relative to the interpretation or the carrying out of the Agreement, and that cannot be settled by direct negotiations between the Governments of the Territories and the Portuguese Government shall be submitted to arbitration and to this end the Governments of the Territories will appoint as Arbitrator the Chief Justice of the Supreme Court of the Union of South Africa and the Portuguese Government the Judge President of the Court of Appeal of Mozambique. If the Judges aforesaid are unable to reach a joint decision they shall together elect an umpire. If no appointment can be mutually agreed upon by them, the President of the High Court of International Justice at the Hague shall be requested to make the necessary appointment. The procedure shall be *ex aequo et bono* and in accordance with the terms of submission to be agreed upon in respect of each particular case

#### ARTICLE XI.

This Agreement shall be in force for a period of 10 years from the Eleventh day of September 1928 and shall thereafter remain in force until the expiration of 12 months from the date on which either party shall have denounced it; provided that five years after the aforementioned date it shall be open to either party to call for a revision of its terms, whereupon in default of mutual agreement, the Agreement shall lapse six months after the date of receipt of notice of termination.

Done in duplicate in English and Portuguese texts.

Signed at Capetown this 13th day of February, 1930.

ATHLONE,

High Commissioner for South Africa.

Signed at Lourenco Marques this 18th day of February, 1930.

JOSE RICARDO PEREIRA CABRAL,  
Governor-General of Mozambique.

#### SCHEDULE A.

Beans, dried.  
Beeswax.  
Coconuts.  
Copra.  
Fish, fresh or frozen.  
Fruits, fresh.  
Hides and skins, raw.  
Kaffir corn, in the grain.  
Mangrove bark and extract.  
Manioc in the root, manioc flour and manioc starch.  
Millet, in the grain.  
Oilcake and oilmeal, for stock food.  
Oils, vegetable (except from cotton-seed).  
Oilseeds (except ground-nuts).  
Onions, not preserved.  
Potatoes.  
Rice.  
Sisal fibre.  
Tapioca.  
Timber, rough-sawn, including mine props and railway sleepers.  
Vegetable charcoal.

#### SCHEDULE B.

Animals for breeding purposes—all kinds.  
Animals, living, viz.:—Horses, mules, sheep and goats.  
Asbestos.  
Barley, in the grain.  
Butter, fresh.  
Cheese.  
Coal.  
Explosives.  
Fertilizers.  
Fish, fresh or frozen.  
Fruits, fresh.  
Fodder and lucerne.  
Fowls and ducks, living.  
Hides and skins, raw.  
Oats, in the grain or crushed, and oatmeal.  
Onions, not preserved.  
Plants, and trees for planting.  
Potatoes.  
Seeds for sowing.  
Sulphuric acid.  
Vegetables, fresh.