

No. 1080

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
NICARAGUA**

Treaty of friendship, commerce and navigation (with protocol). Signed at Managua on 28 July 1905

Partial termination of the above-mentioned Treaty

Authentic texts: English and Spanish.

Filed and recorded at the request of the United Kingdom of Great Britain and Northern Ireland on 29 September 1993.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
NICARAGUA**

Traité d'amitié, de commerce et de navigation (avec protocole). Signé à Managua le 28 juillet 1905

Abrogation partielle du Traité susmentionné

Textes authentiques : anglais et espagnol.

Classé et inscrit au répertoire à la demande du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 29 septembre 1993.

TREATY¹ OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND THE REPUBLIC OF NICARAGUA

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; and

His Excellency the President of Nicaragua;

Being desirous to extend and facilitate the relations of commerce already existing between the two countries, have determined to conclude a new Treaty with this object, and have appointed as their Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Herbert William Broadley Harrison, Esquire, Companion of the Most Distinguished Order of St. Michael and St. George, His Majesty's Chargé d'Affaires in the Republic of Nicaragua; and

His Excellency the President of the Republic of Nicaragua; Doctor Adolfo Altamirano, Minister of Foreign Affairs;

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

ARTICLE I

There shall be between the dominions and possessions of the two High Contracting Parties reciprocal freedom of commerce and navigation. The subjects or citizens of each of the two Parties shall have liberty freely to come, with their ships and cargoes, to all places, ports, and rivers in the dominions and possessions of the other to which native subjects or citizens generally are or may be permitted to come, and shall enjoy, respectively, the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation as are or may be enjoyed by native subjects or citizens generally, without having to pay any tax or impost greater than those paid by the same, and they shall be subject to the Laws and Regulations in force.

This stipulation shall not, however, apply to the coasting trade, in respect of which the subjects or citizens of the two Parties shall enjoy the treatment of the most favoured nation.

¹ Came into force on 3 September 1906, i.e., ten days after the date of the exchange of the instruments of ratification, which took place at London on 24 August 1906, in accordance with article XXI.

ARTICLE II

The free port privileges at the Port of San Juan del Norte shall be abolished, but the port shall remain open to trade, the facilities for shipping shall be maintained and improved, and sufficient bonded warehouses shall be provided.

As regards all the dues, taxes, and regulations affecting foreign trade and shipping and the system of municipal taxation, the port shall be on the same footing as the other ports of the Republic.

ARTICLE III

No other or higher duties or charges shall be imposed on the importation into the dominions and possessions of His Britannic Majesty of any article the produce or manufacture of the Republic of Nicaragua, from whatever place arriving, and no other or higher duties or charges shall be imposed on the importation into Nicaragua of any article the produce or manufacture of His Britannic Majesty's dominions and possessions, from whatever place arriving, than on the like articles produced or manufactured in any other foreign country; nor shall any prohibition or restriction be maintained or imposed on the importation of any article the produce or manufacture of the dominions and possessions of either of the High Contracting Parties into the dominions and possessions of the other, from whatever place arriving, which shall not equally extend to the

importation of the like articles being the produce or manufacture of any other foreign country.

This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of securing the safety of persons or of cattle, or of plants useful to agriculture.

ARTICLE IV

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article to the dominions and possessions of the other, than such as are or may be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two High Contracting Parties to the dominions and possessions of the other, which shall not equally extend to the exportation of the like article to any other foreign country.

ARTICLE V

The subjects or citizens of each of the High Contracting Parties shall enjoy, in the dominions and possessions of the other, perfect equality of treatment with native subjects or citizens or subjects or citizens of the most favoured nation in all that relates to exemption from transit duties, warehousing, bounties, facilities, and drawbacks.

ARTICLE VI

All articles which are or may be legally imported into the ports of the dominions and possessions of His Britannic Majesty in British vessels may be imported into those ports in Nicaraguan vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in British vessels; and similarly all articles which are or may be legally imported into the ports of Nicaragua in Nicaraguan vessels may be imported into those ports in British vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Nicaraguan vessels. Such equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties and railway charges shall be paid, and the same bounties and drawbacks allowed, in the dominions and possessions of either of the High Contracting Parties on any article intended for exportation which is or may be legally exported therefrom, whether such exportation shall take place in Nicaraguan or in British vessels, and whatever may be the place of destination, whether a port of either of the High Contracting Parties or of any third Power.

ARTICLE VII

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country, which shall not equally and under the same conditions be imposed in the like cases on national vessels in general. Such equality of treatment shall apply to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

ARTICLE VIII

In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

ARTICLE IX

Any ship of war or merchant-vessel of either of the High

Contracting Parties which may be compelled by stress of weather, or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Nicaraguan Consular officer in whose district the wreck or stranding may have taken place, upon being claimed by him within the period fixed by the laws of the country; and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other

expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandise saved from the wreck shall be exempt from all duties of customs, unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground or wrecked, the respective Consular officers shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

ARTICLE X

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to Nicaraguan law, are to be deemed Nicaraguan vessels shall, for the purposes of this Treaty, be deemed British and Nicaraguan vessels respectively.

ARTICLE XI

The High Contracting Parties agree that, in all matters relating to commerce, navigation, and industry, any privilege, favour, or immunity whatever which either High Contracting Party has actually granted or may hereafter grant to any other foreign State, shall be extended immediately and unconditionally to the subjects or citizens of the other Contracting Party;