

MALAWI BOTSWANA AGREEMENT

CUSTOMS AGREEMENT

BETWEEN THE FEDERATION OF RHODESIA AND NYASALAND AND BOTSWANA THE BECHUANALAND PROTECTORATE AND SWAZILAND.

The Government of the Federation of Rhodesia and Nyasaland and Her Majesty's High Commissioner for Basutoland, the Bechuanaland protectorate and Swaziland.

Recognizing that it is desirable that trade between the federation and the Bechuanaland protectorate should continue to be a free and uninterrupted as possible and that each country is entitled to the customs duties collected on goods imported into it through the other country; and recognizing that it is desirable to make special arrangements governing the trade between the Federation and Basutoland and Swaziland.

Have agreed as follows:

To duty according to the customs tariff for the time being in force in the country.

(3) when goods (other than those mentioned in paragraph (2) of this Article) which have been manufactured in the Bechuanaland protectorate and are liable to excise duty or excise stamp duty in that country are removed to the federation, an amount equal to the exercise duty or excise HCN stamp duty leviable in the Bechuanaland protectorate shall be paid by the Government of the Bechuanaland protectorate to the Government of Federation and , when goods (other than those mentioned in paragraph (2) of this Article) similar to goods liable to excise duty or excise stamp duty in the Bechuanaland Protectorate, which have been manufactured in the Federation, are removed from the federation to the Bechuanaland protectorate to be paid to the Government of the Bechuanaland Protectorate, and shall arrange that cigarettes and cigarette tobacco shall not be permitted to be removed to the Bechuanaland Protectorate unless the containers are in conformity with and beer excise stamp duty labels in accordance with the laws in force of the Bechuanaland protectorate to the federation and such that such spirit shall be liable, on entry for consumption, to such duty as may be provided by the law of the Territory of the Federation to which it is removed.

(4) should the excise or surtax tariff of the federation provide for duties in excess of those mentioned in paragraph (3) of the Article in relationship to the goods mentioned in the paragraph the difference between the duties leviable in federation and those mentioned in that paragraph shall be leviable, on the entry for consumption of the goods.

ARTICLE 6.

Goods grown, produced or manufactures in the country of either party to this Agreement shall exempt from imposition by either party of any quantitative import or export restrictions.

Provided that, after consulation between the parties, a party may impose

- a) Export restrictions temporarily applied to prevent or relieve critical shortages of food stuffs or other products essential to the exporting party.

PRILIMINARY

ARTICLE 1

The customs Agreement between the Federation and Basutoland, the Bechuanaland Protectorate and Swaziland, which came into force on the 1st July, 1955, shall be superseded by this Agreement.

ARTICLE 2

In this Agreement;

“Federation” means the Federation of Rhodesia and Nyasaland.

PART 1

ARTICLE 3

1. Goods grown, produced or manufactured in or removed from Basutoland or Swaziland and imported into the Federation shall be subject to the terms and conditions applicable to the importation of goods from the Union of South Africa into the Federation.
 2. Goods grown, produced or manufactured in or removed from the federation and imported into Basutoland or Swaziland shall be subject to the terms and conditions applicable to the importation of like goods from the federation into the Union of South Africa.
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PART 2

ARTICLE 4.

This part relates to the removal of goods between the federation and the Bechuanaland Protectorate and the “parties” referred to in this part are the federation and Bechuanaland Protectorate.

ARTICLE 5

1. Subject to the provisions of paragraphs (2), (3) and (4) of this Article, and of Article 6, goods grown, produced or manufactured in the country of either of the parties to this Agreement shall, on removal to the country of the other party, be free of customs duty.
2. Plain or rectified spirits or spirituous liquors (other than beer, stout, cider, Perry and wine), manufactured in the country of either party to this Agreement and remove to the

country of their other party shall be liable, on entry for consumption in that country, import and export restrictions necessary to the application of standards and regulations for the classification, grading or marketing of commodities.

Import restrictions on agricultural or fisheries production, or on products which can be directly substituted therefore, necessary to the enforcement of Governmental measures which operate;

- i. To restrict the quantities of the like product permitted to be marketed or produced.
 - ii. To remove the temporary surplus of the like domestic product, as an alternative to such import restrictions duties do not exceeding those the time being appearing in its customs tariff applicable to such products
3. Import and export restrictions on gold in any form, currency and rough and in out precious stones.
 4. Export restrictions on scrap metal and old metal of any type.
 5. Export restrictions on wild animals, wild animal trophies and wild animal products.
 6. Import and export restrictions undertaken in pursuance of obligations under any international trade of commodity agreement.
 7. Import and export restrictions relating to fissionable materials on the material from which they are derived, atomic energy materials of strategic value and items of primary strategic significance used in the production of arms and ammunition and other implements of war, and any materials containing such metals.
 8. Import and export restrictions relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment.
 9. Import and export restrictions taken in time of war or other emergency, in May or June and at a place to be agreed between them, and any restrictions thereafter consultation, at an earlier date.

Not -with-standing the provisions of Article, the following provisions would govern the importation of fresh, frozen and chilled beef from the Bechuanaland Protectorate in the Federation for the duration of the customs Agreement.

1. Importation of fresh, frozen and chilled beef into the Federation and Protectorate shall be limited to any quota established from time to time in the times the following.
 - i. For the duration of the Customs Agreement referred to above, there shall be established in quota of 10, 000 (ten thousand) head of each live cattle which may be imported into the Federation. For each of the years 1963, 1964 and 1965, the figure of 15, 000 (fifteen thousand) will be substituted for the said figure of 10, 000 (ten thousand).
 - ii. In respect of each of the years 1963, 1964 and 1965 there shall be a nil quota for fresh, frozen and chilled beef.
2. Negotiating shall take place annually in the last quarter of each year, or more frequently by mutual Agreement, between the Federal Government and the Bechuanaland Protectorate Government to determine.
 - i. Whether a quota greater than 10, 000 (ten thousand) head and, if so, what quota should be established for fresh, frozen and chilled for the third year ahead.
 - ii. Whether any and, if so, what modifications should be made to any quota established in respect of any year following the negotiations; provided that a quota for live cattle may not be reduced below 10, 000 (ten thousand) head.
3. Cattle imported into the federation into the Federation in terms hereof shall be purchased by the Cold Storage Commission (here in after referred to as the Commission) at the prices being paid by the Commission at the time of delivery to an abattoir of the commission for cattle of the same weight and grade bought by the Commission from producers in the Federation and delivered to the abattoirs.
4. The cattle shall be delivered F.O.R to the Bulawayo abattoir of the Commission nearer the point of dispatch from the Bechuanaland Protectorate as may be determined by the Commission after consultation with Bechuanaland Protectorate Abattoirs Ltd. Lobatsi.
5. Fresh, frozen and chilled beef imported into the Federation terms of any quota shall be bought by the Commission at Prices determined at the negotiations referred to in paragraph (2) and delivered at rates and quantities.
6. Regarding the quota established for cattle in respect of any one year the Bechuanaland Protectorate Government undertakes to ensure that the cattle will be delivered at rates and quantities to be agreed at the negotiations referred to in paragraph (2), and only otherwise

by arrangement between the commission and the Bechuanaland Protectorate Government, or in circumstances beyond the control of the commission of the Bechuanaland protectorate Government, such as acute or drought.

In the event of the above proposals being acceptable to you, I have the honor to propose that this note and your acceptance be granted as constituting an Agreement between the Government of the Bechuanaland Protectorate and the Government of the Federation.

ARTICLE 7

1. Goods other than;
 - a. Motor cars
 - b. Motor spirit, gas oil, diesel oil and furnace oil
 - c. Cinematograph films and
 - d. Those grown, produced or manufactured in the Union of South Africa, Basutoland, Swaziland or West South Africa.

Which have been imported into the federation and subsequently removed into the Bechuanaland protectorate shall be admitted into the Bechuanaland Protectorate free of customs duty but an account shall be kept by the Government of the Federation of all such goods and the duty there on, at the rates applicable there to for the time being in terms of the customs tariff of the federation, shall be paid by the Government of Federation to the Government of Bechuanaland protectorate.

2. Goods (other than cinematograph film and those grown, produced and manufactured in the Union of South Africa, Basutoland , Swaziland or South West Africa) which have been imported into the Bechuanaland protectorate and subsequently removed to the federation shall be admitted into the federation free of customs duty and the Government of the Bechuanaland protectorate shall arrange for the duty there on at the rates inviable or the time being in the Bechuanaland protectorate to be paid to the movement of the Federation provided that;
 - i. No duty shall be paid by the Government of the Bechuanaland protectorate to the Government of the Federation of the Federation in respect of motor spirit removed from the Bechuanaland Protectorate to the Federation; and

- ii. Such motor spirit shall when entered for consumption is liable to such duty as may be provided for by the law of the Territory of the Federation to which it is removed.
3. Goods grown, produced or manufactured in the Union of South Africa, Bechuanaland, Swaziland or South Africa (other than the goods specified in the paragraph (4), (4), (6) and (7) of this Article which have been imported into the federation and subsequently removed to Bechuanaland protectorate shall be admitted into the Bechuanaland protectorate free of customs duty, but goods which have been exported to the federation from the Union of South Africa under subsidy or bounty shall be liable on importation into Bechuanaland protectorate to an amount equal to such subsidy or bounty.
4. In the case of motor cars and motor spirit, gas oil, diesel oil and furnace oil imported into the federation and subsequently removed to the Bechuanaland protectorate, the Government of the Federation shall arrange for the collection and payment to the Government of the Bechuanaland protectorate of the duties at the rates leviable for the time being in the Bechuanaland protectorate.
5. When goods (other than those mentioned in paragraph (4) and (6) of this Article) which have been manufactured in the Union of South Africa, Basutoland, Swaziland or South West Africa and are liable to excise stamp duty in the Country in which they were manufactured, are removed from Federation to the Bechuanaland Protectorate, they shall be admitted into the Bechuanaland protectorate free from duty, but the Government of the Federation shall arrange for an amount equal to be paid to the Government of the Bechuanaland Protectorate, and shall arrange that cigarettes and cigarettes tobacco shall not be permitted to be removed to the Bechuanaland Protectorate unless the containers are in conformity with and beer excise stamp duty labels in accordance with the laws in force in the Bechuanaland protectorate.
6. When plain or rectified spirits or spirituous liquors (other than ale beer, stout, cider, Perry and wine) which have been manufactured in the Union of South Africa, Basutoland, Swaziland or South West Africa are consigned to the Bechuanaland protectorate from the federation or are removed to the Bechuanaland Protectorate from the Federation, such spirits or spirituous liquors shall be liable, on entry for consumption in the Bechuanaland

protectorate, to duty according to the tariff for the time being in force in the Bechuanaland Protectorate.

7. Cinematograph films removed from the Federation to the Bechuanaland protectorate or from the Bechuanaland protectorate to the federation shall be entered for consumption in the Bechuanaland duty as may be provided for by the law.

ARTICLE 8

1. Subject to the provisions of paragraph (2) of this Article, each party to this Agreement shall, not-with-standing anything contained herein, be entitled to levy on any goods produced or manufactured in its country, from materials of any origin, a duty of excise, an excise stamp duty or a surtax and each a party to this Agreement so imposing an excise duty, an excise stamp duty or a surtax shall be entitled to levy upon similar goods produced or manufactured in the country of the other party of countervailing duty not exceeding such duty or surtax when such goods are entered for consumption in its Country. The right of the Bechuanaland Protectorate to impose any excise duty under this Agreement on any Article on which an excise duty imposed in the Union of South Africa shall not be questioned on the ground that such Article is not in fact produced or manufactured in the Bechuanaland protectorate.
2. Countervailing duties in terms of paragraph (1) of this Article shall not be collected on the goods mentioned in paragraph (2) and (3) of Article.

ARTICLE 9

1. The Government of the Federation shall;
 - a. When goods other than motor cars and motor spirit, gas oil, diesel oil and furnace oil and goods grown, produced and manufactured in the Union of the Basutoland, Swaziland and South West Africa on removal from the federation to the Bechuanaland protectorate, levy recover and to pay to the Government of the Bechuanaland protectorate any amount by which the customs duty shown in relation to such goods in the tariff of the Federation is suspended and HCN 2

- b. Levy and recover any amount by which the sum payable to the Government of the Bechuanaland protectorate, in respect of goods removed to the Bechuanaland protectorate in terms of this Agreement exceeds the sum paid to the Government of the Federation when such goods were entered for consumption in the Federation.
2. **The** Government of the Federation and the Government of the Bechuanaland Protectorate shall make legal provisions as may be necessary to ensure the proper declaration of goods removed in terms of this agreement from the federation to the Bechuanaland Protectorate or from the Bechuanaland Protectorate to the Federation, as the case may be.
3. **Except** as may be agreed from time to time by the parties goods shall not be removed in bond from the country of one party to this Agreement to the Country of the other party.

ARTICLE 10

Cancelled per HCN 28/57

ARTICLE 11

Not-with-standing anything to the country contained in the Article 7, when goods have entered into use in the Country of one party to this Agreement and the subsequently removed to the Country of the other party the value of such goods shall be reduced proportionately to their depreciation for the purpose of calculating the amounts of any duty to be paid by the one party to the other party.

ARTICLE 12

The provision of this Agreement and any amendment shall apply to all goods removed from the Bechuanaland Protectorate as the Federation which are entered for consumption in the federation in so or HCN 26, after the coming into operation of this Agreement or, as the case may be, any amendment thereof to all goods from the federation to the Bechuanaland protectorate.

ARTICLE 13

1. The parties to this Agreement agree to meet from time to time as may be necessary for the purpose of reviewing the operation of this Agreement.

2. If a party should consider that circumstances have arisen which necessitate a variation in terms of the Agreement any proposal so to vary those terms shall from the subject of consultation between the parties.

PART III

ARTICLE 14

This Agreement shall come into operation on 1st June, 1956 and shall remain in operation until the expiry of six months after notice of termination shall have been given by either party to the Agreement to the other.

Provided that no such notice shall be given until parties have consulted together with a view to determining whether any adjustment or modifications is acceptable in furtherance of the objectives of the Agreement.

Signed on Cape Town title 22nd day of May, nineteen hundred and fifty six (1956).

Signed P. LEESURING

For Majesty's High Commissioner for Basutoland, The
Bechuanaland Protectorate and Swaziland.

Signed D.

The Commissioner, on federation of Swaziland and the
Federation of Rhodesia and Nyasaland.