

TREATY OF FRIENDSHIP AND ESTABLISHMENT BETWEEN HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, ON BEHALF OF THE DOMINION OF INDIA, AND THE SWISS CONFEDERATION

His Majesty The King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas for and on behalf of the Dominion of India and the Swiss Federal Council being desirous of consolidating the bonds of peace and friendship, which have ever existed between the two States and of developing peaceful and friendly relations between them, have resolved to conclude this Treaty and have, for that purpose, appointed as their Plenipotentiaries: His Majesty The King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, on behalf of the Dominion of India, The Honourable Pandit Jawaharlal Nehru, Prime Minister and Minister for External Affairs and Commonwealth Relations in the Government of India and the Swiss Federal Council, Monsieur Armin Daeniker, Envoy Extraordinary and Minister Plenipotentiary of Switzerland in India, who, having communicated to each other their respective full powers and found them good and in due form, have agreed and signed the following articles:

Article I.

There shall be perpetual peace and unalterable friendship between the Dominion of India and Switzerland.

Article II.

Each of the contracting parties shall be able to appoint diplomatic representatives, Consuls General, Consuls, Vice Consuls and Consular Agents, who shall reside in towns, ports and other places in each other's territory where the corresponding representatives of other countries reside or in such other places, as may be agreed to. Consuls General, Consuls, Vice Consuls and Consular Agents shall be provided with exequaturs or other valid authorisation of their appointment. Such exequatur or authorisation is liable to be withdrawn by the country which issued it if considered necessary. The reasons for the withdrawal shall be indicated wherever possible. The persons mentioned above shall enjoy on a reciprocal basis all the rights, privileges, exemptions and immunities that are accorded to persons of corresponding status of any other State.

Article III.

The nationals of either of the contracting parties shall have in the territory of the other party, subject to the laws and rules in force in that territory, the right of establishing themselves and of residence, of going from and coming to and of moving freely within that territory.

Article IV.

The nationals of each of the contracting parties residing in the territory of the other party shall be treated in all respects that concern the exercise of their trades and professions and the carrying on and development of their commercial or industrial enterprises and their lawful traffic and trade on a footing of equality with the nationals of the "most-favoured foreign nation" provided they conform to the laws and rules in force. They shall not be liable to any charge impost or tax of whatever nature other or greater than that which is demanded from the nationals of the "most-favoured foreign nations".

Article V.

In no case shall either of the parties demand for its own nationals more extensive rights than it grants to persons of the other party similarly engaged in a trade or a profession or in the development of any commercial or industrial enterprise or lawful traffic and trade.

Article VI.

The contracting parties undertake to extend to the nationals and goods of each other for everything concerning commercial travellers and the import, export and transit of goods, treatment on the same basis as that given to the "most-favoured foreign nation". The privileges which are at present extended or may be extended in future for facilitating the frontier traffic to neighbouring countries, as also such privileges as might arise from a Custom Union already in existence or to be concluded in future by either of the contracting parties are excluded.

Article VII.

The contracting parties will, as soon as possible, enter into negotiations for the conclusion of a more comprehensive Treaty or Treaties of Establishment and Commerce which will inter alia cover the matters referred to in Articles III, IV, V and VI. Subject to the terms of such Treaty or Treaties, this Treaty within respect to Articles III, IV, V and VI shall remain in force for a period of six months after notification by either party to the other of its intention to terminate the operation of those articles.

Article VIII.

Any disputes arising out of the interpretation or application of this Treaty or one or more of its articles shall be settled in the first instance, by negotiations, and, if no settlement is reached within a period of six months from the commencement of negotiations, by arbitration in such manner as may hereafter be determined by a general or special agreement between the contracting parties.

Article IX.

The present Treaty shall be ratified and shall come into effect on the date of the exchange of ratifications which shall take place as soon as possible in Berne.

IN WITNESS WHEREOF, the Plenipotentiaries have signed the present Treaty in the English and French languages and have affixed thereto their seals.

DONE in duplicate in New Delhi the fourteenth day of August in the year one thousand nine hundred and forty-eight.

Signed by JAWAHARLAL NEHRU

Prime Minister and Minister for External Affairs and Commonwealth Relations in the Government of India on behalf of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas.

In the presence of P.A. MENON [SEAL]

Signed by ARMIN DAENIKER

Envoy Extraordinary and Minister Plenipotentiary of Switzerland in India on behalf of the Swiss Federal Council.

In the presence of PIERRE HENRI AUBARET [SEAL]

FINAL PROTOCOL

On proceeding to sign the Treaty of Friendship and Establishment between His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, on behalf of the Dominion of India, and the Swiss Confederation, the undersigned Plenipotentiaries have made the following reservations and declarations which shall form an integral part of the Treaty:

1. For the purpose of this Treaty, the term "nationals of India" includes the subjects of the Indian States which have acceded or may in future accede to the Dominion, of India. The provisions of this Treaty which secure in the Dominion of India "most-favoured foreign nation" treatment to Swiss nationals and goods shall not apply to any special favours or preferences which the Dominion of India accords or may hereafter accord to the nationals or goods of the Republic of Burma or of the

Kingdom of Nepal.

2. The "most-favoured foreign nation" treatment under article VI shall not be deemed to be contravened by the import and export control necessitated by considerations of foreign exchange or other emergent considerations. The present Protocol shall be considered as approved and sanctioned by the contracting parties without any other special ratification by the sole fact of the exchange of the ratifications of the Treaty to which it appertains. It has been drawn up in duplicate at New Delhi on the fourteenth day of August one thousand nine hundred and forty-eight.

JAWAHARLAL NEHRU

A. DAENIKER