APPENDIX

Agreement on Commerce between Federation of Malaya and Japan - 10th May, 1940.

The Government of the Federation of Malaya and the Government of Japan, desiring to strengthen and develop the commercial relations existing between the Federation of Malaya and Japan, have resolved to conclude an agreement which will regulate the commercial relations between the Federation of Malaya and Japan and have agreed as follows:

ARTICLE I

1. Each Party shall accord to the other Party unconditional most-favored-nation treatment in all matters with respect to custom duties or taxes of any kind imposed on or in connection with importation or exportation or imposed on the international transfer of payments for imports or exports, and with respect to the method of levying such duties and charges, and with respect to the rules and formalities connected with importation or exportation and with respect to all internal taxes or export duties, and with respect to all laws, regulations and requirements affecting internal sales, offering for sale, purchase, distribution or use of imported goods within the territory of such Party.

2. Accordingly, products of either Party imported into the territory of the other Party shall not be subject, in regard to the matters referred to in paragraph 1 of this Article, to any duties, taxes or charges higher, or to any rules or formalities more burdensome than those to which the like products of any third country are or may hereafter be subject.

3. Similarly, products exported from the territory of either Party and consigned to the territory of the other Party shall not be subject, in regard to the matters referred to in paragraph 1 of this Article, to any duties, taxes, or charges higher, or to any rules or formalities more burdensome than those to which the like products when consigned to the territory of any third country are or may hereafter be subject.

4. Any advantage, favour, privilege or immunity which has been or may hereafter be granted by either Party in regard to the matters referred to in paragraph 1 of this Article to any product originating in any third country or consigned to the territory of any third country shall be accorded immediately and unconditionally to the like product originating in or consigned to the territory of the other Party.

* Only these parts relating to visible trade are presented.
ARTICLE II

1. Neither Party shall impose restrictions or prohibitions on the importation of any product of the other Party, or on the exportation of any product to the territory of the other Party, unless the importation of the like product of, or the exportation of the like product to, all third countries is similarly restricted or prohibited.

ARTICLE III

The Parties undertake to co-operate for mutual benefits with a view to extending trade and to strengthening economic relations between the two Parties, and to facilitating the inter-change and use of scientific and technical knowledge, particularly in the interests of scientific development and of the improvement of standards of living within their respective territories.

ARTICLE IV

1. No party undertake that it will, if it eventuates as would make a state of facts, be granted to any other rise, facility or in effect, exclusive or special privileges, such other rise shall in its purchase or sales involving lower imports or exports, not be a manner consistent with the general principles of non-discriminatory treatment prescribed in the present agreement for governmental measures affecting imports or exports of similar treatment. To this end, having due regard to the other provisions of the present agreement, each enterprise shall make any purchases or sales solely in accordance with commercial considerations including prices, quality, availability, marketability, transportation and other conditions of purchase or sale, and shall afford to the enterprise of the other Party adequate opportunity, in accordance with customary business practice, to compete for participation in such purchase or sale.

ARTICLE VIII

This is the treatment offered by either Party to the economic vessels. This article also stipulates the provisions for help if either Party's vessels are shipwrecked, damaged or stranded.

ARTICLE IX

States that the agreement shall not affect the rights and obligations either Party may have as a contracting party to the general agreements on Tariffs and Trade or the Articles of Agreement of the International Monetary Fund or any multilateral agreement.

ARTICLE X

States that the agreement does not prejudice either Party from exercising or abiding measures relating to public security or national interest or the maintenance of international peace and security, traffic in arms or ammunition, the protection of public morals and the policies against diseases and trade in golden silver.
Article X ensures that each Party consults the other in matters of its concern that are within the purview of the operation of the Agreement, every two years.

Article XII states that the Agreement shall be in force for three years and continue from year to year unless the Government of either Party has, six months before the end of the term of the Agreement, given notice in writing of its intention to terminate the present Agreement.

2. Additional matters in accordance with the Agreement, for the convenience of the Parties are the following understandings:

Part A

1. In accordance with Article XII, the Japanese Government understands according to the understanding of Kenya the opportunity of adjusting for the total foreign exchange allocation for canned pineapple.

2. a) At the request of the Japanese Government, the various kinds of canned timber as shown in the Schedule are on the Automatic Import-List for import into Japan.

b) The Japanese Government undertakes to retain on the Automatic Import-List the canned timber as shown in the Schedule.

c) The Japanese Government will give prior consideration to the importation of further kinds of canned timber from the Federation of Kenya within the framework of Japan's overall Liberalization of trade policy.

3. In accordance with Article XII, both Governments shall enter into a condition of the receipt of either export, in form or form of canned or canned wood, or of other foreign exchange, that in the event of any claim being made for terms of canned timber or the form of the form, nor of the form, nor of the form, nor of the form, but in such circumstances, the Japanese Government will give every facility to the handling of imports or canned materials.

4. The Government of any country should adhere to a bill in the form of imports of canned products and from one to Japan, the more than the bill commercial.

5. The Government of any country should adhere to a condition of canned timber or canned wood, or of the form, nor of the form, nor of the form, but in such circumstances, at the request of other countries (except Kenya), and as agreed by either country or any third party of such other countries, exportation from canned timber or canned wood to Japan will be subject to the condition of canned materials or canned products.
6. The de minimis level for any manufactured goods of either country is being lowered. Into the order in such quantities as to cause or likely to cause injury to producers in the importing country of like or similar products. The Government of the importing country, shall, on the recommendation of the Government of the exporting country and after due consultation, the Government of the importing country shall provide for such measures as are necessary within the powers conferred upon it.

7. The Government, recognizing the importance attached by the parties concerned to the needs of certain users, iron-ore, vermiculite, etc, being present to take action to increase the present rates of imports or to provide for supply for the needs of new projects and for meeting into force of a new schedule mainly related to a Tariff and Trade relating to Japan.

8. The Government will exercise due diligence in the duties of any of the products concerned in the matter under present. In case the Government determines that there is no market in the other country, it will commit with the Federal Government to continue in a mutually satisfactory manner.

9. If a mutually satisfactory solution cannot be reached, the government in the matter under present to the industry involved. The Government is determined to ensure that all of the problems under present to the Government.

10. The Government is committed to the action to ensure that all the problems under present to the Government.
1. Derry Hardwood
   3. Buruma
   5. Karlan
   2. Gergel
   4. Koroji
   6. Tanasa

11. Medium Hardwood
   7. Kapar
   11. Kapas
   15. Kangas
   8. Koesi
   12. Kulins
   16. Gareh
   9. Kelet
   13. Perupok
   17. Tuniang
   10. Keledang
   14. Punah

11. Light Hardwood
   18. Sintangan
   24. Lataang
   30. Itali
   19. Durian
   25. Ketang
   31. Sain
   20. Geranggang
   26. Mabulang
   32. Seputuk
   21. Perubing
   27. Longahlang
   33. Isendok
   22. Lytah
   28. Penirman
   34. Terang
   23. Sungkur
   29. Feritman
   35. Tanuwing