

Ethiopia Amity And Economic Relations Agreement

Treaty of

Amity and Economic Relations

Between

The United States of America

and

Ethiopia

The United States of America and Ethiopia, desirous of emphasizing the friendly relations which have long prevailed between their peoples, of manifesting their common desire that the high principles in the regulation of human affairs to which they are committed shall be made more broadly effective, and of encouraging mutually beneficial investments and closer economic intercourse generally between their peoples, have resolved to conclude a Treaty of Amity and Economic Relations, and have appointed as their Plenipotentiaries:

The President of the United States of America:

The Honorable J. Rives Childs

Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia

His Imperial Majesty, the Emperor of Ethiopia

His Excellency Ato Aklilou Abte Wold,

Minister for Foreign Affairs of Ethiopia,

Who having communicated to each other their full powers found to be in due form have agreed upon the following articles:

#### Article I

1. There shall be constant peace and firm and lasting friendship between the United States of America and Ethiopia.
2. The two High Contracting Parties reiterate their intent to further the purposes of the United Nations.

#### Article II

Each High Contracting Party shall have the right to send to the other High Contracting Party duly accredited diplomatic representatives, who shall be received and, upon the basis of reciprocity, shall be accorded in the territories of such other High Contracting Party the rights, privileges, exemptions and immunities due them under generally recognized principles of international law.

#### Article III

1. The consular representatives of each high Contracting Party who are assigned to the other High Contracting Party who are assigned to the other High Contracting Party, and are duly provided with exequaturs, shall be permitted to reside in the territories of such other High Contracting Party at the places where consular officers are permitted by the applicable laws to reside. They shall enjoy the privileges and immunities accorded to officers of their rank by general international usage and, subject to reciprocity, shall be treated in a manner no less favorable than

similar officers of any third country. They shall be permitted to exercise all functions, subject to reciprocity, which are in accordance with general international usage.

2. The consular offices shall not be entered by the police or other local authorities without the consent of the consular officer, except that in the case of fire or other disaster, or if the local authorities have probable cause to believe that a crime of violence has been or is about to be committed in the consular office, consent to entry shall be presumed. In no case shall they examine or seize the papers there deposited.

#### Article IV

1. All furniture, equipment and supplies consigned to or withdrawn from customs custody for a consular or diplomatic office of either High Contracting Party for official use shall be exempt within the territories of the other High Contracting Party from all customs duties and internal revenue or other taxes whether imposed upon or by reason of importation.

2. The baggage, effects and other articles imported exclusively for the personal use of consular and diplomatic officers and employees and the members of their families and suites, who are nationals of the sending state and not nationals of the receiving state and are not engaged in any private occupation for gain in the territories of the receiving state, shall be exempt from all customs duties and internal revenue or other taxes imposed upon or by reason of importation. Such exemption shall be granted with respect to the aforementioned property accompanying the person entitled thereto on first arrival and subsequent arrivals, and that consigned to him during the period in which he continues in status.

3. It is understood, however, that: (a) paragraph 2 of the present Article shall apply as to employees in a consular office only when their names have been duly communicated to the appropriate authorities of the receiving state; (b) in the case of consignments, either High Contracting Party may, as a condition to the granting of exemption, require that a notification of any such consignment be given, in a prescribed manner including an indication of the contents of the consignments; and (c) nothing herein authorizes importation specifically prohibited by law.

4. Each High Contracting Party shall be exempt, on a reciprocal basis, within the territories of the other High Contracting Party from taxes or other similar charges of any kind upon real property and appurtenances or possessed by it for diplomatic or consular purposes, and such property shall not in any event be treated in a manner less favorable than similar properties of any third country. Such exemptions shall, however, not apply to charges or assessments levied for services or public improvements by which such properties are benefited.

#### Article V

1. No tax or other similar charge of any kind shall be levied or collected within the territories of the receiving state in respect of the official emoluments, salaries, wages or allowances received: (a) by a consular officer of the sending state as compensation for his consular services; or (b) by a consular employee thereof as compensation for his services at a consulate. Likewise, consular officers and employees, who are permanent employees of the sending state and are not engaged in private occupation for gain within the territories of the receiving state, shall be exempt from all taxes or other similar charges, the legal incidence of which would otherwise fall upon such officer or employee.

2. The preceding paragraph shall not apply in respect of taxes and other similar charges upon (a) the ownership or occupation of immovable property situated within the territories of the receiving state, (b) income derived from sources within such territories (except the compensation mentioned in the preceding paragraph), or (c) the passing of property at death.

3. The provisions of the present Article shall have like application to diplomatic personnel, who shall in addition be accorded all exemptions allowed them under general international usage.

4. The exemptions provided for in the present Article shall apply only to nationals of the sending state, but shall not apply to such nationals who are also nationals of the receiving state.

#### Article VI

1. Nationals of either High Contracting Party shall be permitted, subject to immigration laws and regulations, to enter the territories of the other High Contracting Party and to reside therein for the purpose of engaging in industry, carrying on international trade, or pursuing studies, upon terms no less favorable than those accorded to nationals of any third country.

2. Nationals of either High Contracting Party shall receive the most constant protection and security within the territories of the other High Contracting Party. When any such national is in custody, he shall in every respect receive reasonable and humane treatment; and, on his demand, the diplomatic or consular representative of his country shall be immediately notified and accorded full opportunity to safeguard his interests. He shall be promptly informed of the accusations against him, allowed ample facilities to defend himself and given a prompt and impartial disposition of his case, in accord with modern standards of justice.

3. Nationals of either High Contracting Party within the territories of the other High Contracting Party shall enjoy freedom of conscience and worship provided their religious practices are not contrary to public order, safety or morals: shall have the right to communicate with other persons inside and outside such territories; and shall be accorded most-favored-nation treatment with respect to engaging in religious, philanthropic, educational and scientific activities. They shall also be permitted to engage in the practice of professions for which they have qualified.

#### Article VII

1. Companies constituted under the applicable laws and regulations of either High Contracting Party shall have their juridical status recognized within the territories of the other High Contracting Party. As used in the present Treaty, "companies" means corporations, partnerships, companies and other associations, whether or not with limited liability and whether or not for pecuniary profit.

2. Nationals and companies of either High Contracting Party shall have free access to the courts of justice and administrative agencies within the territories of the other High Contracting Party, in all degrees of jurisdiction, both in defense and pursuit of their rights, to the end that prompt and impartial justice be done. Such access shall be allowed, in any event, upon terms no less favorable than those applicable to nationals and companies of such other High Contracting Party or of any third country. It is understood that companies not engaged in activities within the country shall enjoy the right of such access without any requirement of registration or domestication. The provisions of this paragraph shall not be deemed to affect the applicable laws with respect to *cautio judicatum solvi* provided the requirements thereof are not excessive or arbitrary.

3. Neither High Contracting Party shall be obligated (a) to accord the advantages of the succeeding Articles of the present Treaty to any to any company the ownership or direction of which nationals of third countries have directly or indirectly a controlling interest, or (b) to permit religious philanthropic and cultural organizations to engage in commercial or other activities for pecuniary profit.

#### Article VIII

1. Each High Contracting Party shall at all times accord fair and equitable treatment to nationals and companies of the other High Contracting Party, and to their property and enterprises; shall refrain from applying unreasonable or discriminatory measures that would impair their legally acquired rights and interests; and shall assure that their lawful contractual rights are afforded effective means of enforcement, in conformity with the applicable laws.

2. Property of nationals and companies of either High Contracting Party, including interests in property, shall receive the most constant protection and security within the territories of the other High Contracting Party. Such property shall not be taken except for a public purpose, nor shall it be taken without the prompt payment of just and effective compensation.

3. The dwellings, offices, warehouses, factories and other premises of nationals and companies of either High Contracting Party located within the territories of the other High Contracting Party shall not be subject to entry or molestation without just cause. Official searches and examinations of such premises and their contents, shall be

made only according to law and with careful regard for the convenience of the occupants and the conduct of business.

4. Nationals and companies of each High Contracting Party shall enjoy reasonable opportunity for the investment of capital, and for the establishment of appropriate commercial, industrial and other enterprises within the territories of the other High Contracting Party. Neither High Contracting Party shall unreasonably impede nationals and companies of the other High Contracting Party from obtaining on equitable terms the capital, skills, modern techniques and equipment needed for economic development and expansion.

5. Nationals and companies of either High Contracting Party which are permitted to establish or acquire enterprises within the territories of the other High Contracting Party shall enjoy the right to Continued control and management of such enterprises; to engage within such territories agents, accountants and other technical experts, executive personnel, interpreters and other specialized employees of their choice; and, in conformity with the applicable laws, to do whatever may be necessary and proper to the effective conduct of their affairs. Such enterprises shall, with respect to performing their normal functions as of the time of establishment or acquisition and such other functions as an reasonably related thereto, including normal growth, be accorded treatment no less favorable than that accorded enterprises of whatever nationality engaged in similar activities.

#### Article IX

1. Nationals and companies of either High Contracting Party shall be permitted, within the territories of the other High Contracting Party: (a) to lease, for suitable periods of time, real property needed for their residence or for the conduct of activities pursuant to the present Treaty; (b) to purchase or otherwise acquire personal property of all kinds; and (c) to dispose of property of all kinds that may be generally acquired by sale, testament or otherwise. The treatment accorded in these respects shall in no event be less favorable than that accorded nationals and companies of any third country. The ownership of real property within the territories of each High Contracting Party shall be subject to the applicable laws therein.

2. Nationals and companies of either High Contracting Party shall be accorded within the territories of the other High Contracting Party effective protection in the exclusive use of inventions, trade marks and trade names, upon compliance with the applicable laws and regulations, if any, respecting registration and other formalities.

#### Article X

1. Nationals and companies of either High Contracting Party shall not be subject to the payment of taxes, fees or charges within the territories of the other High Contracting Party, or to requirements with respect to the levy and collection thereof, more burdensome than those borne by nationals, residents and companies of any third country. In the case of nationals of either High Contracting Party residing within the territories of the other High Contracting Party, and of nationals and companies of either High Contracting Party engaged in trade or other gainful pursuit or in non-profit activities therein, such payments and requirements shall not be more burdensome than those borne by nationals and companies of such other High Contracting Party. The foregoing shall not be construed to prevent either High Contracting Party from imposing on alien companies such special internal administrative requirements as may be necessary to secure compliance with its revenue laws.

2. Each High Contracting Party, however, reserves the right to: (a) extend specific tax advantages only on the basis of reciprocity, or pursuant to agreements for the avoidance of double taxation or mutual protection of revenue; and (b) apply special requirements as to the exemptions of a personal nature allowed to non-residents in connection with income and inheritance taxes.

3. Companies of either High Contracting Party shall not be subject within the territories of the other High Contracting Party, to taxes upon any income, transactions or capital not attributable to the operations and investment thereof with such territories.

#### Article XI

1. Neither High Contracting Party shall apply restrictions on the making of payments, remittances, and other transfers of funds to or from the territories of the other High Contracting Party, except (a) to the extent necessary

to assure the availability of foreign exchange for payments for goods and services essential to the health and welfare of its people, or (b) in the case of a member of the International Monetary Fund, restrictions specifically approved by the Fund.

2. If either High Contracting Party applies exchange restrictions, it shall promptly make reasonable provision for the withdrawal in foreign exchange in the currency of the other High Contracting Party, of: (a) the compensation referred to in Article VIII, paragraph 2, of the present Treaty, (b) earnings, whether in the form of salaries, interest, dividends, commissions, royalties, payments for technical services, or otherwise, and (c) amounts for amortization of loans, depreciation of direct investments and capital transfers, giving consideration to special needs for other transaction. If more than one rate of exchange is in force, the rate applicable to such withdrawals shall be a rate which is specifically approved by the International Monetary Fund for such transactions, or, in the absence of a rate so approved, an effective rate which, inclusive of any taxes or surcharges on exchange transfers, is just and reasonable.

3. Either High Contracting Party applying exchange restrictions shall in general administer them in a manner not to influence disadvantageously the competitive position of the commerce or investment of capital of the other High Contracting Party in comparison with the commerce or the investment of capital of any third country; and shall afford such other High Contracting Party adequate opportunity for consultation at any time regarding the application of the present Article.

#### Article XII

1. Each High Contracting Party shall accord to products of the other High Contracting Party, from whatever place and by whatever type of carrier arriving, and to products destined for exportation to the territories of such other High Contracting Party, by whatever route and by whatever type of carrier treatment no less favorable than that accorded like products of or destined for exportation to any third country, in all matters relating to: (a) duties, other charges, regulations and formalities, on or in connection with importation and exportation; and (b) internal taxation, sale distribution, storage and use.

2. Neither High Contracting Party shall impose restrictions or prohibitions, except as may be required by conditions cited in paragraph 1 of Article XI, on the importation of any product of the other High Contracting Party or on the exportation of any product to the territories of the other High Contracting 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.

3. If either High Contracting Party impose quantitative restrictions on the importation or exportation of any product in which the other High Contracting Party has an important interest:

(a) It shall as a general rule give prior public notice of the total amount of the product, by quantity or value, that may be imported or exported during a specified period, and of any change in such amount or period, and

(b) If it makes allotments to any third country, it shall afford such other High Contracting Party a share proportionate to the amount of the product, by quantity or value, supplied by or to it during a previous representative period due consideration being given to any special factors affecting the trade in such product.

4. Either High Contracting Party may impose prohibitions or restrictions on sanitary or other customary grounds of non-commercial nature, or in the interest of preventing deceptive or unfair practices, provided such prohibitions or restrictions do not arbitrarily discriminate against the commerce of the other High Contracting Party.

5. Either High Contracting Party may adopt measures necessary to utilization of accumulated inconvertible currencies or to deal with a stringency of foreign exchange. However, such measures shall deviate no more than necessary from a policy designed to promote the maximum development of non-discriminatory multi-lateral trade and to expedite the attainment of a balance-of-payments position which will obviate the necessity of such measures.

6. Each High Contracting Party reserves the right to accord special advantages: (a) to products of its national fisheries, or (b) to adjacent countries in order to facilitate frontier traffic. Each High Contracting Party, moreover, reserves the rights and obligations it may have under the General Agreement on Tariffs and Trade, and special advantages it may accord pursuant thereto.

#### Article XIII

1. In the administration of its customs regulations and procedures, each High Contracting Party shall: (a) promptly publish all requirements of general application affecting importation and exportation; (b) apply such requirements in a uniform, impartial and reasonable manner; (c) refrain, as a general practice, from enforcing new or more burdensome requirements until after public notice thereof; (d) a w appeals to be from rulings of the customs authorities; and (e) not impose greater than nominal penalties for infractions resulting from clerical errors or from mistakes made in good faith.

2. Subject to the provisions and requirements of the preceding Articles of the present Treaty, nationals and companies of either High Contracting Party shall be accorded treatment no, less favorable than that accorded nationals and companies of the other High Contracting Party, or of any third country, with respect to an matters relating to importation and exportation

#### Article XIV

1. Between the territories of the two High Contracting Parties there shall be freedom of commerce and navigation.

2. Commercial vessels lawfully under the flag of either High Contracting Party may come with their cargoes to all ports, places and waters of the other High Contracting Party open to foreign commerce and navigation, and shall therein be accorded in all respects treatment no less favorable than that accorded vessels of such other High Contracting Party or of any third country. Products carried by vessels of either High Contracting Party during the course of their transportation to or from the territories of the other High Contracting Party also shall I accorded treatment no less favorable than that accorded like products carried in vessels of such other High Contracting Party, or of any third country, with respect to duties, charges, the administration of the customs, bounties, drawbacks and other privi-leges of this nature. Each High Contracting Party may reserve exclusive rights and privileges to its own vessels with respect to the coasting trade, inland navigation, and national fisheries.

#### Article XV

1. Each High Contracting Party undertakes: (a) that enterprises owned or controlled by its Government, and that monopolies or agencies granted exclusive or special privileges within its territories, shall make their purchases and sales involving either imports or exports affecting the commerce of the other High Contracting Party solely in accordance with commercial considerations, including price, quality' availability, marketability, transportation and other conditions of purchase or sale; and (b) that the nationals, companies and commerce of such other High Contracting Party shall be afforded adequate opportunity, in accordance with customary business practice, to compete for participation in such purchases and sales.

2. Each High Contracting Party shall accord to the nationals, companies and commerce of the other High Contracting Party, fair and equitable treatment, as compared with that accorded to the nationals, companies and commerce of any third country, with respect to: (a) the governmental purchase of supplies, (b) the awarding of any and all concessions and other government contracts within its territories, and (c) the sale of any service sold by the Government or by any monopoly or agency granted exclusive or special privileges. Clause (c) of the foregoing shall not be construed to affect existing arrangements under which a High Contracting Party has not retained a power of control in respect of sale.

#### Article XVI

1. The present Treaty shall not preclude the application of measures:

(a) regulating the importation or exportation of gold or silver;

- (b) relating to fissionable materials, the radioactive by-products thereof, or the sources thereof;
- (c) regulating the production of or traffic in arms, ammunition and implements of war, or traffic in other materials carried on directly or indirectly for the purpose of supplying a military establishment; and
- (d) necessary to fulfill the obligations of a High Contracting Party for the maintenance or restoration of international peace and security, necessary to protect its essential security interests.

2. The present Treaty does not accord any rights to engage in political activities.

3. The stipulations of the present Treaty shall not extend to advantages accorded by the United States of America or its Territories and possessions, irrespective of any future change in their political status to one another, to the Republic of Cuba, to the Philippines, to the Trust Territory of the Pacific Islands or to the Panama Canal Zone.

#### Article XVII

Any dispute between the High Contracting Parties as to the interpretation or application of the present Treaty, not satisfactorily adjusted by diplomacy, shall at the request of either High Contracting Party be submitted to the International Court of Justice, unless the High Contracting Parties agree to Settlement by some other pacific means.

#### Article XVIII

The present Treaty shall replace the Treaty of Commerce signed at Addis Ababa June 27, 1914. 1/

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1/ Treaty Series 647:41 Stat/ 1711.

#### Article XIX

1. The present Treaty shall be ratified, and the ratification thereof shall be exchanged at Addis Ababa as soon as possible.
2. The present Treaty shall enter into force one month after the day of exchange of ratifications. It shall remain in force ten years and shall continue in force thereafter until terminated as provided herein.
3. Either High Contracting Party may by giving one year's written notice to the other High Contracting Party, terminate the present Treaty at the end of the initial ten-year period or at any time thereafter.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and have affixed hereunto their seals.

Done in duplicate at Addis Ababa this Seventh day of September One Thousand Nine Hundred Fifty One, in the English and Amharic languages, both equally authentic except that in any case in which divergence between the two versions results in different interpretations the English version shall be given preference.

J Rives Child

Aklilou

English Text of Note Following

Ministry of Foreign Affairs 7th September 1951

Excellency

Upon the occasion of the signature this day of the Treaty of Amity and Economic Relations between Ethiopia and the United States of America, I have the honor to assure the Government of the United States of America that the assurances previously given and with the firm desire of His Imperial Majesty and of the Imperial Ethiopian government to provide at all times a modern and enlightened system of courts and judicial administration, in the hearing by the High Court of any matter, all American citizens shall have the right to demand that one of the

judges sitting shall have had judicial experience in other lands, and that any American citizen who is a party to any proceedings, civil or criminal, within the jurisdiction of a regional, communal or provincial court, may elect to have the case transferred without additional fee or charge to the High Court for trial. Moreover, America citizen, if arrested, shall be incarcerated only in prisons which are approved by an officer who has had experience in modern prison administration.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

[seal] Aklilou

His Excellency

J. Rives Childs

Ambassador of the United States of America

Addis Ababa

The American Ambassador to the Ethiopian Minister for Foreign

Affairs

THE FOREIGN SERVICE

OF THE

UNITED STATES OF AMERICA

AMERICAN EMBASSY,

ADDIS ABABA, SEPTEMBER 7, 1951

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note of today's date, reading as follows:

"Upon the occasion of the signature this day of the Treaty of Amity and Economic Relations between Ethiopia and the United states of America, I have the honor to assure the Government of the United States of America that in conformity with the assurances previously given and with the firm desire of his Imperial Majesty and of the Ethiopian Government to provide at all times a modern and enlightened system of courts and judicial administration, in the hearing by the High Court of any matter, all American citizens shall have the right to demand that one of judges sitting shall have had judicial experience in other lands, and that any American citizen who is a party to any proceedings, civil or criminal, within the jurisdiction of a regional, communal or provincial court, may elect to have the case transferred without additional fee or charge to the High Court for trial. Moreover, America citizens, if arrested shall be incarcerated only in prisons which are approved by an officer who has had experience in modern prison administration."

I have the honor to thank Your Excellency for these assurances, of which my Government has taken due note.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

J Rives Childs [seal]

His Excellency

Ato Aklilou Abte Wold,

Minister for Foreign Affairs,

Imperial Ethiopian Government,

Addis Ababa.

The American Ambassador to the Ethiopian Minister for Foreign

Affairs

THE FOREIGN SERVICE

OF THE

UNITED STATES OF AMERICA

AMERICAN EMBASSY,

Addis Ababa, September 7, 1951.

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date reading as follows:

Inasmuch as the imperial Ethiopian Government understand it to be the already established policy of the Government of the United States of America to accord customs exemptions to foreign diplomatic and consular staffs on the basis of the provisions set forth in Article IV, paragraph 2, the Imperial Ethiopian Government will apply the same to the diplomatic and consular staffs of the United States of America in Ethiopia. However, in so departing from the rule generally applied in Ethiopian Government cannot envisage the application of such exception to other countries whose present policies of customs exemptions are less liberal than those being applied by the Government of the United States of America."

I have the honor to thank Your Excellency for this communication of which any Government has taken due note.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

J Rives Child [seal]

His Excellency

Ato Aklilou Abte Wold

Minister for Foreign Affairs,

Imperial Ethiopian Government,

Addis Ababa.

WHEREAS the Senate of the United States of America by their resolution of July 21, 1953, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said treaty and notes;

WHEREAS the said treaty and notes were ratified by the President of the United States of America on August 4, 1953, in pursuance of the aforesaid advice and consent of the Senate, and were duly ratified on the part of Ethiopia;

WHEREAS the respective instruments of ratification of the said treaty and notes were duly exchanged at Addis Ababa on September 8, 1953;

And WHEREAS it is provided in paragraph 2 of Article XIX of the said treaty that the treaty shall enter into force one month after the day of exchange of ratifications;

Now, therefore, be it known that I Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said treaty and notes to the end that the same and each and every article and clause thereof may be observed and fulfilled with good faith on and after October 8, 1953, one month after the day of exchange of ratifications, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

In TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this third day of November in the year of our Lord one thousand nine hundred fifty-three and of the Independence of the United States of America the one hundred seventy-eighth.

Dwight D. Eisenhower

By the President:

John Foster Dulles

Secretary of State

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*TANC offers these agreements electronically as a public service for general reference. Every effort has been made to ensure that the text presented is complete and accurate. However, copies needed for legal purposes should be obtained from official archives maintained by the appropriate agency.*