

Liberia Friendship, Commerce, And Navigation Treaty

FRIENDSHIP, COMMERCE, AND NAVIGATIONo

Treaty signed at Monrovia August 8, 1938

Senate advice and consent to ratification August 1, 1939

Ratified by the President of the United States August 30, 1939

Ratified by Liberia November 16, 1939

Ratifications exchanged at Monrovia November 21, 1939

Entered into force November 21, 1939

Proclaimed by the President of the United States November 30, 1939

54 Stat. 1739; Treaty Series 956 o

Treaty

The United States of America and the Republic of Liberia, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the people thereof, have resolved to conclude a Treaty of Friendship, Commerce and Navigation and for that purpose have appointed as their Plenipotentiaries,

The President of the United States of America:

Lester A. Walton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Liberia, and

The President of the Republic of Liberia:

His Excellency C. L. Simpsen, Secretary of State of the Republic of Liberia,

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

ARTICLE I

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to own, erect on lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and maritime purposes; to employ agents of their choice, and generally to do anything incidental to the necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the State of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by nationals of the State of residence. o

The nation each High Contracting Party has enjoyed more than the utmost justice the other nations bring to the laws, as well as the protection of their rights, and in a degree jurisdiction established by law.

The nation each High Contracting Party has received within the territory the other, upon submitting to conditions imposed upon it by the most important principles and security of their persons and property, and has enjoyed in this respect that degree of protection that is required by international law. Their property has not been taken without due process of law and without payment of just compensation.

Nothing contained in this Treaty has been intended to affect existing statutes either of the High Contracting Parties in relation to emigration or immigration or the rights either of the High Contracting Parties to enact such statutes, provided, however, that nothing in this paragraph has prevented the nation either High Contracting Party from entering, traveling and residing in the territory of the other Party in order to carry on international trade or to engage in any commercial activity related to or connected with the conduct of international trade on the same terms as the nation the most favored-nation.

## ARTICLE II

With respect to the rights granted by a nation, State or Province to a foreign individuality or to a body injured or death, and giving to the heirs of a dependent an injured person a right of action or a pecuniary compensation, the nation, the dependent, an injured person, himself or herself either of the High Contracting Parties and injured within any of the territory of the other, has, regarding their alienage or residence outside the territory where the injury occurred, enjoyed the same rights and privileges as are or may be granted to the nation, and under like conditions.

## ARTICLE III

The dwelling, warehouse, manufactory, shop, and other place of business, and a premises thereunto appertaining of the nation each of the High Contracting Parties in the territory of the other, lawfully acquired for any purpose set forth in Article I, has been protected. It has not been allowed to be made a demerit, or to be seized or any other thing and premises, or there to be examined in respect to books, papers, records, or other documents under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations of the nation of the State of residence of the nation the most favored by it.

## ARTICLE IV

Where, in the death of any person holding real or other immovable property or interest therein within the territory of the High Contracting Party, such property or interest therein would, by the laws of the country or by a testamentary disposition, descend to a nation of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interest therein is or are situated, such nation has been allowed a term of three years in which to elect the same, this term to be renewable by prolonging its circumstances, and to withdraw the proceeds therefrom, with or without interest thereon and exempt from any, estate duties or charges, or administrative duties or charges other than those which may be imposed in like manner upon the nation of the country from which such proceeds may be drawn.

A nation either High Contracting Party may have upon the death of their persons or property every kind within the territory of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, whatever nationality, whether resident or non-resident, has succeeded to such persons or property, and may take possession in the same, either by themselves or by their agents or others, and retain and dispose of the same at their pleasure subject to the payment of such duties or charges as the nation of the High Contracting Party within whose territory such property may be received has been liable to pay in like manner. In the same way, persons or property of the nation of the High Contracting Parties by a nation of the other High Contracting Party, and being within the territory of the other Party, has been subject to the payment of such duties or charges as the nation of the High Contracting Party within whose territory such property may be received has been liable to pay in like manner. N

## ARTICLE

The titles of the High Contracting Parties to the exercise of the right of freedom of worship, with the territories of the other, shall be provided, may, without any compromise of the rights of the other. Of the religious beliefs or of the rights, conduct of the rights with their own or with the appropriate buildings which they may be entitled to receive to the rights of the territories, provided that the rights of the other are not affected; the States shall be permitted to bury their dead in accordance with their religious customs in suitable places established for that purpose, subject to the mortuary regulations of the place of burial.

## ARTICLE I

In the event of war between the High Contracting Parties to the present Statute, the Parties may resort to compulsory military service in the territories of the other, in accordance with the provisions of the present Statute, subject to the conditions of the present Statute, and in accordance with the provisions of the present Statute. The Parties to the present Statute shall apply to the present Statute the provisions of the present Statute.

It is agreed, however, that the present Statute shall not apply to the territories of the other for compulsory military service, where, for the reasons mentioned in the present Statute, the Parties to the present Statute shall be permitted to acquire or resume the territory of the other by force. The present Statute shall be subject to the provisions of the present Statute.

## ARTICLE II

Between the territories of the High Contracting Parties to the present Statute shall be freedom of commerce and navigation. The titles of the High Contracting Parties shall be provided, may, without any compromise of the rights of the other, in accordance with the provisions of the present Statute, and in accordance with the provisions of the present Statute.

## ARTICLE III

With respect to customs duties or charges of any kind imposed or collected with importation or exportation, and with respect to the method of levying such duties or charges, and with respect to the rules and formalities connected with importation or exportation, and with respect to the laws or regulations affecting the sale, taxation, or use of imported goods with the other, the Parties to the present Statute, for the purpose of the present Statute, shall be permitted to levy duties or charges of any kind on the importation or exportation of goods, provided that the present Statute shall be subject to the provisions of the present Statute.

With respect to the movement of the duties on imports and exports of any kind, the Parties to the present Statute shall be provided, may, without any compromise of the rights of the other, in accordance with the provisions of the present Statute, and in accordance with the provisions of the present Statute. The Parties to the present Statute shall be permitted to levy duties or charges of any kind on the importation or exportation of goods, provided that the present Statute shall be subject to the provisions of the present Statute.

## ARTICLE IX

In the event of the High Contracting Parties to the present Statute shall be provided, may, without any compromise of the rights of the other, in accordance with the provisions of the present Statute, and in accordance with the provisions of the present Statute.

originating in or from any territory of the other High Contracting Party.

It is the right of the High Contracting Party to maintain any form of quantitative restriction or control over importation or sale of any article in which the other High Contracting Party has an interest, or impose a lower import duty or charge on the importation or sale of a particular quantity of any such article than the duty or charge imposed on importation in excess of such quantity, the High Contracting Party taking such action, all, upon request, in order that the other High Contracting Party should be able to obtain the total quantity, or any charge thereon, of any such article permitted to be imported or sold, or permitted to be imported or sold at such lower duty or charge using a particular proportion, and shall allot to the other High Contracting Party or such particular proportion of such total quantity as originally established or subsequently changed in any manner equivalent to the proportion of the total importation of such article which the other High Contracting Party is applying during a previous representative period, unless it is mutually agreed to in principle with such allotment. The other High Contracting Party shall, by import license, regulate the total quantity of importation; into its territory or sale thereon of any article in which the other High Contracting Party has an interest, unless the total quantity of such article permitted to be imported or sold using a quota proportion is not limited in amount and available on a non-discriminatory basis, and unless the regulation covering the issue of such license or permit is available on a non-discriminatory basis or regulation are put into force.

#### ARTICLE X

It is the right of the High Contracting Party to maintain, directly or indirectly, any form of control over means of international payment, in whole, in part, or administration of such control:

- (a) Imposition of prohibition, restriction, or lay on the transfer of payment or import article growth, production, or manufacture of the other High Contracting Party, or of payment necessary or an incidental to the importation of such article;
- (b) Accord unconditionally, with respect to rate of exchange and tax or surcharge on exchange transaction in connection with payment or of payment necessary or an incidental to the importation of article growth, production, or manufacture of the other High Contracting Party, treatment not favorable than that accorded in connection with the importation of any article whatever growth, production, or manufacture of any territory country; and
- (c) Accord unconditionally, with respect to a rule and formalities applying to exchange transaction in connection with payment or of payment necessary or an incidental to the importation of article growth, production, or manufacture of the other High Contracting Party, treatment not favorable than that accorded in connection with the importation of the like article growth, production, or manufacture of any territory country.

With respect to non-commercial transaction, each High Contracting Party shall apply any form of control over means of international payment in a non-discriminatory manner between national of the other High Contracting Party and national of any territory country.

#### ARTICLE XI

It is the right of the High Contracting Party to maintain a monopoly over the importation, production or sale of a particular product or grant exclusive privilege, formally or in effect, to one or more agencies to import, produce or sell a particular product, the High Contracting Party establishing or maintaining such monopoly, or granting such monopoly privilege, all, in respect of foreign purchase of such monopoly or agency, accorded commercial of the other High Contracting Party and an equitable treatment. In making it or foreign purchase of any article such monopoly or agency shall be influenced only by competitive considerations of price, quality, marketability, and terms of sale.

#### ARTICLE XII

All articles which are or may be lawfully imported from or foreign countries; into port of the United States or America or are or may be lawfully exported therefrom in violation of the United States may likewise import N

into Mer nt e el nd ot er pri tely owned e el under t e fl g of eit er of t e Hig Contr ting P rtie , nd rrying t e p per required by it n tion l l ws in proof of n tion lity ll, bot wit in t e territori l t o e port or exported t erefrom in Liberi n e el , wit out being li ble to ny ot er or ig er dutie or rge wh t oe er t n if u rti le were imported or exported in e el of die United t te ; nd re ipro lly, ll rti le whi re or may be leg lly imported from foreign ountrie into t e port of Liberi or re or may be leg lly exported t erefrom in Liberi n e el may likewi e be imported into t o e port or exported t erefrom in e el of t e United t te wit out being li ble to ny ot er or ig er dutie or rge wh t oe er t n if u rti le were imported or exported in Liberi n e el .

In t e me manner t ere ll be perfe t re ipro l equ lity in rel tion to t e fl g of t e two ountrie wit reg rd to bountie , dr wb k , nd ot er pri ilege of t i n ture of wh te er denomin tion whi may be llowed in t e territorie of e of t e Contr ting P rtie , on good imported or exported in n tion l e el o t t u bountie , dr wb k nd ot er pri ilege ll l o nd in like manner be llowed on good imported or exported in e el of t e ot er ountry.

#### ARTICLE XIII

T e n tion l , good , produ t , ware , nd mer ndi e of e Hig Contr ting P rty wit in t e territorie of t e ot er ll re ei e t e me tre tment n tion l , good , produ t , ware , nd mer ndi e of t e ountry wit reg rd to intern l t xe , tr n it dutie , rge in re pe t of ware ou ing nd ot er f ilitie nd t e mount of dr wb k nd export bountie .

#### ARTICLE XIV

T e mer nt or ot er pri te e el nd rgoe of one of t e Hig Contr ting P rtie ll, wit in t e territori l wter nd rbor of t e ot er P rty in ll re pe t nd un ondition lly be orded t e me tre tment t e e el nd rgoe of t t P rty, irre pe ti e of t e port of dep rture of t e e el, or t e port of de tin tion, nd irre pe ti e of t e origin or t e de tin tion of t e rgo. It i e pe i lly greed t t no dutie of tonn ge, rbor, pilot ge, lig t ou e, qu rntine, or ot er imil r or orre ponding dutie or rge of wh te er denomin tion, le ied in t e n me or for t e profit of t e Go ernment, publi fun tion rie , pri te indi du l , orpor tion or e t bli ment of ny kind ll be impo ed in t e port of t e territorie or territori l wter of eit er ountry upon t e e el of t e ot er, whi ll not equ lly, under t e me ondition , be impo ed on n tion l e el .

#### ARTICLE XV

Mer nt e el nd ot er pri tely owned e el under t e fl g of eit er of t e Hig Contr ting P rtie , nd rrying t e p per required by it n tion l l ws in proof of n tion lity ll, bot wit in t e territori l wter of t e ot er Hig Contr ting P rty nd on t e ig e , be deemed to be t e e el of t e P rty who e fl g i flown.

#### ARTICLE XVI

Mer nt e el nd ot er pri tely owned e el under t e fl g of eit er of t e Hig Contr ting P rtie ll be permitted to di rge portion of rgoe t ny port open to foreign ommer e in t e territorie of t e ot er Hig Contr ting P rty, nd to pro eed wit t e remaining portion of u rgoe to ny ot er port of t e me territorie open to foreign ommer e, wit out p ying ot er or ig er tonn ge due or port rge in u e t n would be p id by n tion l e el in like ir umst n e , nd t ey ll be permitted to lo d in like manner t different port in t e me oy ge outwrd, pro ided, owe er, t t t e o ting tr de of t e Hig Contr ting P rtie i exempt from t e pro i ion of t i Arti le nd from t e ot er pro i ion of t i Tre ty, nd i to be regul ted ording to t e l ws of e Hig Contr ting P rty in rel tion t ereto. It i greed, owe er, t t n tion l nd e el of eit er Hig Contr ting P rty ll wit in t e territorie of t e ot er enjoy wit re pe t to t e o ting tr de mo t-f ored-n tion tre tment.

#### ARTICLE XVII S

Limited liability of the corporations, whether for profit or not, which have been  
made hereafter organized in accordance with the laws, Statutes, Provisions, of either High  
Contracting Party and which maintain their offices within the territories thereof, shall have their jurisdiction  
recognized by the other High Contracting Party provided that the pursues its aims within its territories  
its laws. The shall enjoy free access to the courts of law and equity, and conforming to the laws regulating the  
matter, as well as for the protection of the defense of rights in all the degrees of jurisdiction established by law.

The rights of corporations of either High Contracting Party which have been recognized by the  
other to establish themselves in the territories of the other Party shall be such as to fulfill their  
functions therein shall depend upon the laws of the country of such Party as expressed in its  
Statutes, Provisions and laws.

#### ARTICLE XVIII

The territories of either High Contracting Party shall enjoy within the territories of the other, upon compliance with  
the conditions there imposed, such rights and privileges shall have been made hereafter accorded the territories  
of the other State with respect to registration of participation in limited liability of the corporations, of  
shareholders, of franchises, of the holding of executive offices in sites therein. In the exercise of the  
regulatory rights and with respect to the regulatory procedure concerning the registration of such  
corporations and shareholders, such territories shall be subjected to conditions less favorable than those which  
have been made hereafter imposed upon the territories of the most-favored territory.

The rights of such corporations and shareholders shall be recognized and controlled and participated in by the  
territories of either High Contracting Party within the territories of the other to exercise of their functions  
therein, shall be governed by the laws and regulations, Statutes, Provisions, which refer to the  
hereafter established within the territories of the Party where the principal centers of their activities. The  
regulatory stipulations and participation in political societies.

#### ARTICLE XIX

The territories, including corporations and shareholders, of either High Contracting Party shall enjoy in the  
territories of the other Party, upon compliance with the conditions there imposed, most-favored-territory treatment  
in respect of the exploration of mineral resources; provided that either Party shall be  
required to grant rights and privileges in respect of the mining fields, phosphate, oil, shale, gas and  
the public domain, in respect of the ownership of stock in mining corporations and such  
persons, greater than its territories and shareholders receive from the other Party.

It is understood, however, that either High Contracting Party shall be required to give this paragraph  
greater application for such rights and privileges if at the time such application is presented the grant-  
ing Party shall have been suspended or discontinued.

#### ARTICLE XX

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either  
High Contracting Party shall be treated as foreigners in the territories of the other Party and their  
departure therefrom accorded the most-favored-territory treatment in respect of customs and their privileges  
and facilities of travel and other matters of application to them and their samples.

If either High Contracting Party requires the presence of a notary public in certifying the identity of  
a notary of commercial travelers, signed statements of the commercial representatives, certified  
consular officers of the country of destination shall be accepted as satisfactory.

#### ARTICLE XXI

There shall be complete freedom of transit through the territories including territorial waters of each High  
Contracting Party to the routes most convenient for international transit, rail, navigable waterways, and  
other than the Panama Canal and waterways and canals which constitute international waters, to persons

and goods coming or going to or passing through the territories of the other High Contracting Party except such persons as may be obliged to pass on to the territories of goods of which the importation may be prohibited by law or regulations provided that the foregoing shall not be construed to prevent the High Contracting Parties from excluding aliens or special areas within their territories closed to visit by law, Italy or other regulations. The measures of a general or particular character which either of the High Contracting Parties is obliged to take in case of an emergency affecting the safety of the State or vital interests of the country may in exceptional cases and as shown to a period as possible involve a deviation from the provisions of this paragraph to be understood that the principle of freedom of transit must be observed to the utmost possible extent.

Persons and goods in transit shall not be subjected to any transit duty or to any unnecessary delays or restrictions or to treatment as regards charges or duties or any other matter less favorable than that accorded to the most-favored nation.

Goods in transit must be entered at the proper customs house but they shall be exempt from all customs or other special duties.

It is understood that all goods in transit through the territory of the United States of America and all goods in transit through the territory of Liberia when warehoused or otherwise stored shall be subject to storage charges.

All charges imposed on transport in transit shall be reasonable having regard to the conditions of the traffic.

Nothing in this Article shall affect the right of either of the High Contracting Parties to prohibit or restrict the transit of arms, munitions and military equipment in accordance with treaties or conventions that may have been or may hereafter be entered into by either Party with other countries.

#### ARTICLE XXII

Nothing in this Treaty shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver or to prevent the adoption of such measures as either High Contracting Party may see fit with respect to the prohibition or the control of the export or import of arms, ammunition or implements of war and in exceptional circumstances all other military supplies.

Subject to the equipment that under like circumstances and conditions there shall be no abridgment of the jurisdiction of the High Contracting Parties against the other High Contracting Party in favor of any third country, the stipulations of this Treaty shall not extend to prohibitions or restrictions (1) imposed on alcohol or human trafficking; (2) designed to protect human and animal or plant life or health; (3) relating to persons-made goods; (4) relating to the enforcement of police or revenue laws.

The stipulations of this Treaty do not extend to advantages now accorded or which may hereafter be accorded to neighboring States in order to facilitate shipment of goods to advantages resulting from a customs union to which either High Contracting Party may become a party so long as such advantages are not extended to any other country.

The stipulations of this Treaty do not extend to advantages now accorded or which may hereafter be accorded by the United States of America to territories or possessions of the Panama Canal Zone to one another or to the Republic of Cuba. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America to territories or possessions of the Panama Canal Zone to one another in respect of any change in the political status of any of the territories or possessions of the United States of America.

#### ARTICLE XXIII

Subject to any limitation on exceptions hereinafter set forth hereafter to be agreed upon the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land and water over which the Parties respectively claim and exercise dominion as sovereigns except the Panama Canal Zone. j

ARTICLE I

The present Treaty shall come into force in all of its provisions on the day of the exchange of ratifications and shall continue in force for the term of five years from that day.

If within one year before the expiration of five years from the date on which the present Treaty shall come into force, neither High Contracting Party notifies to the other Party an intention of terminating the Treaty upon the expiration of the aforesaid period of five years, the Treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other Party an intention of terminating it.

The present Treaty shall, from the date of the exchange of ratifications, be deemed to supplement the Treaty of Commerce and Navigation between the United States of America and Liberia, concluded at London on October 21, 1862.<sup>1</sup>

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1TS 195, art. 1, p. 580.

ARTICLE I

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Monrovia as soon as possible.

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

Done in duplicate, at Monrovia, this eighth day of August nineteenth and thirtieth.

LESTER A. WALTER [SEAL]

C. L. SIMPSON [SEAL]

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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. w*