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No. 6093

**PAKISTAN
and
JAPAN**

**Treaty of Friendship and Commerce (with Protocol).
Signed at Tokyo, on 18 December 1960**

Official text: English.

Registered by Pakistan on 12 March 1962.

**PAKISTAN
et
JAPON**

**Traité d'amitié et de commerce (avec Protocole). Signé à
Tokyo, le 18 décembre 1960**

Texte officiel anglais.

Enregistré par le Pakistan le 12 mars 1962.

No. 6093. TREATY OF FRIENDSHIP AND COMMERCE¹
BETWEEN PAKISTAN AND JAPAN. SIGNED AT
TOKYO, ON 18 DECEMBER 1960

Pakistan and Japan, desirous of strengthening the bonds of peace and friendship traditionally existing between them and of facilitating the trade and commercial relations between their peoples and of encouraging mutually beneficial investments and other types of economic co-operation, have resolved to conclude a Treaty of Friendship and Commerce, based in general upon the principle of most-favoured-nation treatment unconditionally accorded, and Field Marshal Mohammad Ayub Khan, President of Pakistan, for Pakistan, and Hayato Ikeda, Prime Minister of Japan and Zentaro Kosaka, Minister for Foreign Affairs of Japan, for Japan, having full powers for that purpose, have agreed upon the following Articles :

Article I

Nationals of either Party shall be permitted to enter the territory of the other Party in accordance with the provisions of the laws and regulations of such other Party and shall be accorded most-favoured-nation treatment with respect to all matters relating to their entry into, and their sojourn, travel and residence within, the territory of such other Party.

Article II

1. Nationals of either Party, within the territory of the other Party, shall be permitted : (a) to enjoy liberty of conscience; (b) to hold both private and public religious services; (c) to gather and to transmit material for dissemination to the public abroad; and (d) to communicate with other persons inside and outside such territory by mail, telegraph and other means open to general public use.

2. The provisions of this Article shall be subject to the right of either Party to apply measures that are necessary to maintain public order and to protect public morals and safety.

¹ Came into force on 20 August 1961, one month after the exchange of the instruments of ratification which took place at Rawalpindi on 20 July 1961, in accordance with article XIV (2).

Article III

1. Nationals of either Party within the territory of the other Party shall be free from unlawful molestations of every kind, and shall receive the most constant protection and security, in no case less than that required by international law.

2. If, within the territory of either Party, a national of the other Party is taken into custody, the nearest consular representative of his country shall on the demand of such national be immediately notified and shall be permitted to visit and communicate with such national. Such national shall : (a) receive reasonable and humane treatment; (b) be formally and immediately informed of the accusations against him; (c) be brought to trial as promptly as is consistent with the proper preparation of his defense; and (d) enjoy all means reasonably necessary to his defense, including the services of competent counsel of his choice.

3(a) Nationals of either Party, within the territory of the other Party, shall be exempt from any compulsory military service and from any levy imposed in place of such service.

(b) Nationals and companies of either Party shall be accorded, within the territory of the other Party, most-favoured-nation treatment with respect to all compulsory loans, military exactions, requisitions or compulsory billeting.

Article IV

1. Property of nationals and companies of either Party shall receive the most constant protection and security within the territory of the other Party.

2. The dwellings, offices, warehouses, factories and other premises of nationals and companies of either Party located within the territory of the other Party shall not be subject to unlawful entry or molestation. Official searches and examinations of such premises and their contents when necessary, shall be made only according to law and with careful regard for the convenience of the occupants and the conduct of business.

3. Neither Party shall take unreasonable or discriminatory measures that would impair the legally acquired rights or interests within its territory of nationals and companies of the other Party in the enterprises which they have established, in their capital, or in the skills, arts or technology which they have supplied.

4. Property of nationals and companies of either Party shall not be taken within the territory of the other Party except for a public purpose, nor shall

it be taken without the prompt payment of just compensation. Such compensation shall be in an effectively realizable form and shall represent the full equivalent of the property taken.

5. Nationals and companies of either Party shall in no case be accorded, within the territory of the other Party, less than most-favoured-nation treatment with respect to the matters set forth in paragraphs 2 and 4 of this Article.

Article V

1. Nationals and companies of either Party shall be accorded, within the territory of the other Party, most-favoured-nation treatment with respect to all matters relating to the levying of taxes, access to the courts of justice and administrative tribunals and agencies, rights to property, participation in juridical entities, and generally the conduct of all kinds of business and professional activities.

2. Nationals and companies of either Party shall be accorded, within the territory of the other Party, national treatment with respect to obtaining and maintaining patents for invention, and with respect to rights in trade marks, trade names, trade labels and industrial property of every kind.

3. Notwithstanding the provisions of paragraph 1 above, each Party reserves the right to accord special tax advantages on a basis of reciprocity or by virtue of agreements for the avoidance of double taxation or for the prevention of fiscal evasion.

Article VI

Contracts entered into between nationals and companies of either Party and nationals and companies of the other Party, that provide for the settlement by arbitration of controversies, shall not be deemed unenforceable within the territory of such other Party merely on the grounds that the place designated for the arbitration proceedings is outside such territory or that the nationality of one or more of the arbitrators is not that of such other Party. Awards duly rendered pursuant to any such contracts, which are final and enforceable under the laws of the place where rendered shall, not be deemed invalid or denied effective means of enforcement within the territory of either Party merely on the grounds that the place where such awards were rendered is outside such territory or that nationality of one more of the arbitrators is not that of such Party.

Article VII

With respect to customs duties and charges 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 in connection with importation and exportation, and with respect to the application of internal taxes to exported goods, and with respect to all internal taxes or other internal charges of any kind imposed on or in connection with imported goods, and with respect to all laws, regulations and requirements affecting internal sale, offering for sale, purchase, distribution or use of imported goods, any advantage, favour, privilege or immunity which has been or may hereafter be granted by either Party to any product originating in or destined for any third country shall be accorded immediately and unconditionally to the like product originating in or destined for the territory of the other Party.

Article VIII

1. Nationals and companies of either Party shall be accorded most-favoured-nation treatment with respect to payments, remittances and transfers of funds or financial instruments between the territories of the two Parties as well as between the territories of the other Party and of any third country.

2. The provisions of paragraph 1 of this Article do not preclude either Party from imposing such exchange, restrictions as are consistent with the rights and obligations that it has or may have as a contracting party to the Articles of Agreement of the International Monetary Fund.¹

3. 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.

4. Notwithstanding the provisions of paragraph 3 of this Article, either Party may apply restrictions or controls on the importation and exportation of goods that have effect equivalent to exchange restrictions which the said Party may at that time apply under the provisions of paragraph 2 of this Article.

Article IX

The two Parties undertake to co-operate for mutual benefits with a view to expanding trade and to strengthening economic relations between the two Parties, and to furthering the interchange and use of scientific and technical

¹ United Nations, *Treaty Series*, Vol. 2, p. 40; Vol. 19, p. 280; Vol. 141, p. 355; Vol. 199, p. 308; Vol. 260, p. 432; Vol. 287, p. 260; Vol. 303, p. 284; Vol. 316, p. 269, and Vol. 406, p. 282.