

No. 8859

**JAPAN
and
ARGENTINA**

Treaty of friendship, commerce and navigation (with Protocol and exchange of notes). Signed at Tokyo, on 20 December 1961

Official texts of the Treaty and the Protocol: Japanese, Spanish and English.

Official text of the notes: English.

Registered by Japan on 12 December 1967.

**JAPON
et
ARGENTINE**

Traité d'amitié, de commerce et de navigation (avec Protocole et échange de notes). Signé à Tokyo, le 20 décembre 1961

Textes officiels du Traité et du Protocole: japonais, espagnol et anglais.

Texte officiel des notes: anglais.

Enregistré par le Japon le 12 décembre 1967.

No. 8859. TREATY OF FRIENDSHIP, COMMERCE AND
NAVIGATION¹ BETWEEN JAPAN AND THE ARGENTINE
REPUBLIC. SIGNED AT TOKYO, ON 20 DECEMBER 1961

The Government of Japan and the Government of the Argentine Republic,

Animated by the desire to strengthen further the traditional ties of friendship which unite the peoples of both countries as well as to strengthen their cultural relations,

Desirous of facilitating commercial intercourse between the two countries and encouraging mutually beneficial investments and other types of economic cooperation,

Have resolved to conclude a Treaty of Friendship, Commerce and Navigation and for that purpose have appointed as their Plenipotentiaries,

The Government of Japan:

Mr. Zentaro Kosaka, Minister for Foreign Affairs;

The Government of the Argentine Republic:

Dr. Miguel Angel Cárcano, Minister for Foreign Affairs and Worship,

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

Article I

There shall be firm and perpetual peace and amity between Japan and the Argentine Republic and their respective peoples.

Article II

1. 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 in all matters relating to their entry.
2. Nationals of either Party shall be accorded national treatment and most-favoured-nation treatment in all matters relating to their sojourn, travel and residence within, and their departure from the territory of the other Party. In the enjoyment of

¹ Came into force on 25 September 1967, one month after the day of the exchange of the instruments of ratification, which took place at Buenos Aires on 25 August 1967, in accordance with article XV (3).

such treatment, however, they shall conform themselves to the provisions of the laws and regulations of such other Party.

Article III

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.

Article IV

1. Nationals of either Party shall be accorded, within the territory of the other Party, national treatment and most-favoured-nation treatment with respect to the protection and security for their persons.

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 in accordance with the provisions of the laws and regulations of the former Party. Such national shall: (a) receive treatment allowing full enjoyment of human rights; (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 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, national treatment and most-favoured-nation treatment with respect to all compulsory loans, military exactions, requisitions or compulsory billeting.

Article V

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.

5. Nationals and companies of either Party shall be accorded, within the territory of the other Party, national treatment and most-favoured-nation treatment with respect to the matters set forth in paragraphs 2 and 4 of this Article.

6. Enterprises in which nationals and companies of either Party have a substantial interest shall be accorded, within the territory of the other Party, national treatment and most-favoured-nation treatment in all matters relating to the taking of privately owned enterprises into public ownership and to the placing of such enterprises under public control.

Article VI

1. Nationals and companies of either Party shall be accorded, within the territory of the other Party, national treatment and most-favoured-nation treatment with respect to the levying of taxes, fees or charges of any kind, and access to the courts of justice and administrative tribunals and agencies, in all degrees of jurisdiction.

2. (a) 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 study and research, rights to property, participation in juridical entities and generally the conduct of all types of commercial, industrial, financial and other business activities as well as professional activities.

(b) 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 of this Article, 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 VII

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 be deemed conclusive in enforcement proceedings brought before the courts of competent jurisdiction of either Party, and shall be entitled to be declared enforceable by such courts, except where found contrary to public policy. When so declared, such awards shall be entitled to privileges and measures of enforcement appertaining to awards rendered within the territory of such Party.

Article VIII

1. Each Party shall accord immediately and unconditionally to the other Party most-favoured-nation treatment in all matters with respect to:

(a) 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,

(b) the method of levying such duties and charges,

(c) the rules and formalities in connection with importation or exportation,

(d) all internal taxes or other internal charges of any kind imposed on or in connection with imported goods,

(e) the application of internal taxes to exported goods, and

(f) all laws, regulations and requirements affecting internal sale, offering for sale, purchase, distribution or use of imported goods.

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