

No. 9677

UNITED STATES OF AMERICA
and
TOGO

Treaty of Amity and Economic Relations. Signed at
Lomé on 8 February 1966

Authentic texts: English and French.

Registered by the United States of America on 2 July 1969.

ÉTATS-UNIS D'AMÉRIQUE
et
TOGO

Traité d'amitié et de relations économiques. Signé à
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Enregistré par les États-Unis d'Amérique le 2 juillet 1969.

TREATY¹ OF AMITY AND ECONOMIC RELATIONS
BETWEEN THE UNITED STATES OF AMERICA AND
THE TOGOLESE REPUBLIC

The United States of America and the Togolese Republic, desirous of promoting friendly relations between their peoples and of encouraging mutually beneficial trade and closer economic intercourse generally, 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:

Mr. William Witman, II, Ambassador Extraordinary and Plenipotentiary of the United States of America, and

The President of the Republic of Togo:

Mr. Georges Apedo-Amah, Minister of Foreign Affairs,

who, having communicated to each other their full powers found to be in due form, have agreed as follows:

Article I

1. Nationals of either Party shall, subject to the laws relating to the entry and sojourn of aliens, be permitted to enter the territories of the other Party, to travel therein freely, and to reside at places of their choice.

2. Nationals of either Party shall in particular be permitted to enter the territories of the other Party and to remain therein for the purpose of: (a) carrying on trade between the territories of the two Parties and engaging in commercial activities incidental and proper to the carrying on of such trade; or (b) developing and directing the operations of an enterprise in which they have invested or are actively in process of investing a substantial amount of capital.

3. Each Party reserves the right to exclude or expel nationals of the other Party on grounds relating to public order, morals, health and safety.

¹ Came into force on 5 February 1967, i.e., one month after the day of exchange of the instruments of ratification, which took place at Washington on 5 January 1967, in accordance with article XV (2).

Article II

1. Nationals of either Party shall receive the most constant protection and security within the territories of the other Party, in no case less than that required by international law. 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.

2. Nationals of either Party within the territories of the other Party shall, either individually or through associations, and so long as their activities are not contrary to public order, safety or morals: (a) enjoy freedom of conscience and the right to hold religious services and engage in religious activities generally; (b) be permitted to engage in philanthropic, educational and scientific activities; and (c) have the right to gather and transmit information for dissemination to the public abroad, and otherwise to communicate with other persons inside and outside such territories.

Article III

1. Companies constituted under the applicable laws and regulations of either Party shall be deemed companies thereof and shall have their juridical status recognized within the territories of the other 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 Party shall have free access to the courts of justice and administrative agencies within the territories of the other Party, in all degrees of jurisdiction, both in defense and in pursuit of their rights. Such access shall be allowed upon terms no less favorable than those applicable to nationals and companies of such other Party or of any third country, including the terms applicable to requirements for deposit of security. 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.

3. 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 territories of such other Party merely on the grounds that the place designated for the arbitration proceedings is outside such territories or that the nationality of one or more of the arbitrators is not that of such other Party. No award duly rendered pursuant to any such contract, and final and enforceable under the laws of the place where rendered, shall be deemed invalid or denied effective means of enforcement within the territories of either Party merely on the grounds that the place where such award was rendered is outside such territories or that the nationality of one or more of the arbitrators is not that of such Party.

Article IV

1. Each Party shall at all times accord fair and equitable treatment to nationals and companies of the other 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 Party, including direct or indirect interests in property, shall receive the most constant protection and security within the territories of the other Party. Such property shall not be taken 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; and adequate provision shall have been made at or prior to the time of taking for the determination and payment thereof.

3. The dwellings, offices, warehouses, factories and other premises of nationals and companies of either Party located within the territories of the other 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.

Article V

1. Nationals and companies of either Party shall be accorded national treatment with respect to establishing, as well as with respect to acquiring

interests in, enterprises of all types for engaging in commercial, industrial, financial and other business activities within the territories of the other Party. Each Party reserves the right to limit the extent to which aliens may establish or acquire interests in enterprises engaged within its territories in communications, air or water transport, trust functions, banking involving depository functions, or the exploitation of land or other natural resources, provided that it shall accord to nationals and companies of the other Party treatment no less favorable in this connection than that accorded nationals and companies of any third country. The provisions of this paragraph do not extend to professions which, because they involve the performance of functions in a public capacity or in the interests of public health and safety, are state-licensed and reserved by law to nationals of the country.

2. Enterprises which are or may hereafter be established or acquired by nationals and companies of either Party within the territories of the other Party and which are owned or controlled by such nationals and companies, whether in the form of individual proprietor-ships, direct branches or companies constituted under the laws of such other Party, shall be permitted freely to conduct their activities therein upon terms no less favorable than like enterprises owned or controlled by nationals of such other Party or of any other country.

3. Nationals and companies of either Party shall enjoy the right to continued control and management of their enterprises within the territories of the other Party; shall be permitted to engage accountants and other technical experts, executive personnel, attorneys, agents and other specialized employees of their choice, regardless of nationality; and shall be permitted without discrimination to do all other things necessary or incidental to the effective conduct of their affairs.

4. Laws regarding qualifications for the practice of a profession shall not prevent nationals and companies of either Party from engaging accountants and other technical experts for making examinations, audits and technical investigations for internal purposes in connection with the planning and operation of their enterprises within the territories of the other Party.