TREATY OF AMITY, ECONOMIC RELATIONS AND CONSULAR RIGHTS BETWEEN THE PRESIDENT OF THE UNITED STATES OF AMERICA AND THE SULTAN OF MUSCAT AND OMAN AND DEPENDENCIES

Oman Amity, Economic Relations And Consular Rights Treaty MUSCAT AND OMAN AND DEPENDENCIES

WHEREAS a treaty of amity, economic relations and consular rights between the President of the United States of America and the Sultan of Muscat and Oman and Dependencies, together with a protocol relating thereto, was signed at Salalah on December 20, 1958, the originals of which treaty and protocol, being in the English and Arabic language, are word for word as follows:

Amity, Economic Relations and Consular Rights

TREATY OF AMITY, ECONOMIC RELATIONS AND CONSULAR RIGHTS BETWEEN THE PRESIDENT OF THE UNITED STATES OF AMERICA AND THE SULTAN OF MUSCAT AND OMAN AND DEPENDENCIES

The President of the United States of America and Sultan Said bin Taimur bin Faisal, Sultan of Muscat and Oman and Dependencies, desirous of promoting friendly relations between the two countries and of encouraging mutually beneficial trade and closer economic intercourse generally have resolved to conclude a Treaty of Amity, Economic Relations and Consular Rights, and have appointed as their Plenipotentiaries:

The President of the United States of America:

Walter K. Schwinn, Consul General of the United States of America;

The Sultan of Muscat and Oman and Dependencies, Sultan Said bin Taimur bin Faisal, in person,

Who have agreed as follows:

Article I.

There shall be firm and enduring peace and sincere friendship between the United States of America and the Sultanate of Muscat and Oman and Dependencies.

Article II.

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. Nationals of either Party shall in particular be per-mitted to enter the territories of the other Party and to remain therein for the purpose of:
(a) carrying an trade between the territories of the two Parties and engaging in related commercial activities; or
(b) developing and directing the operations of an enterprise in which they, or companies of their nationality by which they are employed and which they represent in a responsible capacity, have invested or am actively in process of investing a substantial amount of capitol. Each Party reserves the right to exclude or expel aliens on grounds relating to public order, morals, health and safety.

2. Nationals of either Party shall receive all possible protection and security within the territories of the other Party. When any national is in custody, he shall receive reasonable and humane treatment, and, on his request the nearest consular representative of

His country shall be notified as soon as possible. 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.

3. Nationals of either Party within the territories of the other Party shall, either individually or through associations, enjoy

freedom, of conscience and religious toleration and enjoy the right to engage in religious worship. They shall be accorded most-favored-nation treatment with respect to engaging in philanthropic, educational and scientific activities. They shall be enabled to communicate by legal means with other persons inside or outside such territories. The provisions of this paragraph 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 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 com-panies, of such other Party or of any third country, including the terms applicable to requirements for deposit of security. It is under-stood that companies not engaged in activities within the country shall enjoy the right of such access without any requirement of registration or domestication.

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, and shall refrain from applying unreasonable or discriminatory measures that would impair their legally acquired rights and interests.

2. Property of nationals and companies of either Party, including direct and indirect interests in property, shall receive all possible 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 promises 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 all possible 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 for engaging in commercial activities within the territories of the other Party. Moreover, nationals and companies of such Party shall in no case be accorded treatment less favorable than that accorded to nationals and companies of any third country with respect to establishing or acquiring interests in enterprises for engaging in industrial and other business activities within the territories of such other Party. The provisions of this paragraph do not include the practice of professions.

2. Neither Party shall discriminate against enterprises established within its territories that am owned or controlled by nationals and companies of the other Party, as compared with any other enterprises engaged in like activities, in the application of any laws, rules, or regulations affecting the conduct of such enterprises.

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 but subject to the provisions of Article II regarding the entry and sojourn of aliens; and shall be permitted without discrimination to do all other things necessary or incidental to the effective conduct of their affairs.

Article VI.

1. Nationals and companies of either Party shall be accorded most-favored-nation treatment within the territories of the other Party with respect to leasing real property needed for their residence or for the conduct of activities pursuant to the

present Treaty, and national treatment with respect to: (a) purchasing or otherwise squiring personal property of all kinds, subject to any limitations on acquisition of shares in enterprises that may be imposed consistently with Article V, and (b) disposing of property of all kinds by sale, testament, or any other legal manner.

2. Nationals and companies of either Party shall be accorded within the territories of the other 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 VII.

1. Nationals and companies of either Party shall not be subject to the payment of taxes, fees or charges within the territories of the other Party, or to requirements with respect to the levy and col-lection thereof, more burdensome than those borne by nationals, residents and companies of any third country. In the am of nation-als of either Party residing within the territories of the other Party, and of nationals and companies of either Party engaged in trade or other gainful pursuit or in non-profit activities therein, such taxes, fees, charges and requirements shall not be more burdensome than those borne by nationals and companies of such other Party.

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

3. Companies of either Party shall not be subject, within the territories of the other Party, to taxes upon any income, transactions or capital not reasonably allocable or apportionable to such territories.

Article VIII.

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

2. 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 territories 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.

3. Either Party may impose prohibitions or restrictions on sanitary or other customary grounds of a noncommercial 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 Party.

4. Each Party reserves the right to accord special advantages: (a) to adjacent countries in order to facilitate frontier traffic, or (b) by virtue of a customs union or free trade area of which either Party may become a member, so long as it informs the other Party of its plans and affords such other Party adequate opportunity for consultation. Each Party, moreover, reserves rights and obligations it may have under the General Agreement on Tariffs and Trade,[1] and special advantages it may accord pursuant thereto.

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1TIAS 1700; 61 Stat., pts. 5 and 6.

Article IX.

1. The Parties recognize that the development of their economic relations will benefit from conditions of maximum freedom with respect to carrying out financial payments and transfers between their respective territories and between nationals and companies of the two Parties. Accordingly, each Party undertakes to refrain from applying restrictions on such payments except to the extent that shortages of foreign exchange may require. In that event, the Party applying restrictions undertakes to administer them in a manner not to influence disadvantageously the competitive position of the commerce, transport or investment of capital of the other Party in comparison with the commerce, transport or investments of any third country.

2. Nationals and companies of either Party shall be accorded treatment no less favorable than that accorded nationals and

companies of the other Party, or of any third country, with respect to all matters relating to importation and exportation.

3. Neither Party shall impose any measure of a discriminatory nature that hinders or prevents the importer or exporter of products of either country from obtaining marine insurance on such products in companies of either Party.

Article X.

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

2. Vessels under the flag of either Party, and carrying the papers required by its law in proof of nationality, shall be deemed to be vessels of that Party both on the high seas and within the ports, places and waters of the other Party.

3. Vessels of either Party shall have liberty, on equal terms with vessels of the other Party and on equal terms with vessels of any third country, to come with their cargoes to all ports, places and waters of the other Party open to foreign commerce and navigation. Such vessels and cargoes shall in all respects be accorded national treatment and most-favored-nation treatment within the ports, places and waters of such other Party; but each Party may reserve exclusive rights and privileges to its own vessels with respect to the coasting trade and inland navigation.

4. Vessels of either Party shall be accorded national treatment and most-favored-nation treatment by the other Party with respect to the right to carry all products that may be carried by vessels to and from the territory of such other Party; and such products shall be accorded treatment no less favorable than that accorded like products carried in vessels of such other Party, with respect to: (a) duties and charges of all kinds, (b) the administration of the customs, and (c) bounties, drawbacks and other privileges of this nature,

5. Vessels of either Party that are in distress shall be permitted to take refuge in the nearest port or haven of the other Party, and shall receive all possible friendly treatment and assistance.

6. The term "vessels," as used herein, means all types of vessels whether privately owned or operated, or publicly owned or operated; but this term does not, except with reference to paragraphs 2 and 5 of the present Article, include fishing vowels or vowels of war.

Article XI.

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 byproducts 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

(d) necessary to fulfill the obligations of a Party for the maintenance or restoration. of international peace and security, or necessary to protect its essential security interests;

(e) denying to any company in the ownership or direction of which nationals of any third country or countries have directly or indirectly the controlling interest, the advantages of the present Treaty, except with respect to recognition of juridical status and with respect to access to courts of justice and to administrative tribunals and agencies; and

f) regarding its national fisheries and the landing of the products thereof.

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

3. The most-favored-nation provisions of the present Treaty relating to the treatment of goods 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 Republic of the Philippines, to the Trust Territory of the Pacific Islands or to the Panama Canal Zone.

Article XII.

Each Party shall have the right to send consular representatives to the other Party, subject, to the approval of such other Party as to the persons appointed and the places at which they reside. Such consular representatives shall be permitted to perform such consular functions and shall enjoy such privileges and immunities as are in accordance with international law

and practice and as provided in the protocol to this Treaty.

Article XIII.

Each Party shall accord sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as the other Party may make with respect to any matter affecting the operation of the present Treaty.

Article XIV.

The territories to which the present Treaty extends shall comprise all areas of land and water under the sovereignty or authority of the United States of America, other than the Panama Canal Zone and the Trust Territory of the Pacific Islands, and of the Sultan of Muscat and Oman and Dependencies.

Article XV. The Present Treaty Shall Replace and Terminate as between the United States of America and the Sultan of Muscat and Oman and Dependencies the Treaty of Amity and Commerce Signed at Muscat September 21,1883.[1]

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18 Stat. 458.

Article XVI.

1. The present Treaty shall be ratified, and the ratifications then shall be exchanged at Muscat as soon as possible.

2. The present Treaty shall enter into force one month after day of exchange of ratifications. It shall remain in force for seven years and shall continue in force thereafter until terminated as provided herein.

3. Either Party may, by giving one year's written notice to other Party, terminate the present Treaty at the end of the seven-year period or at any time thereafter.

IN WITNESS WHERE OF Walter K. Schwinn, Consul General of United States of America, on behalf of the President of the United States of America, Dwight D. Eisenhower, and Sultan Said Taimur bin Faisal, Sultan of Muscat and Oman and Dependencies, on his own behalf, have signed the present Treaty and have affixed thereto their respective seals.

DONE in duplicate in the English and Arabic languages, both equally authentic, at Salalah in the Kingdom of Oman, this twentieth day of December one thousand nine hundred fifty-eight, which corresponds to the ninth day of Jumadah II one thousand three hundred seventy-eight.

[SEALS]

PROTOCOL

With respect to the provisions for the exchange of consular representatives contained in Article XII of the Treaty of Amity, Economic Relations and Consular Rights between the President of the United States of America and the Sultan of Muscat and Oman and Dependencies, it is understood that consular officers of either Party serving in the territories of the other Party am permitted to exercise the following functions and to enjoy the following rights, privilege and immunities:

1. In connection with the protection of nationals of the sending state, a consular officer may:

a) Interview, communicate with, advise or assist citizens of the sending state;

b) Visit and communicate with citizens of the sending state who are taken into custody.

2. In the event of the death of a citizen of the sending State a consular officer may, within the discretion of the appropriate judicial authorities and if permissible under local laws:

a) Take provisional custody of personal property left by the deceased;

b) Represent the interests of absent heirs in estates of deceased Persons;

c) Receive for transmission to his non-resident countrymen money or

Movable property of all kinds due them from estates.

3. With respect to shipping:

a) A consular officer may visit vessels of the sending state or be visited by their masters and crews;

b) Without prejudice to the right of the administrative and

Judicial authorities of the receiving state to take cognizance

Of crimes or offenses which disturb the peace of the port or to enforce the laws of the receiving state applicable to vessels of any state in its ports and territorial waters, it is the intention of the Parties that a consular officer shall have jurisdiction over controversies, including wage and contract disputes, on board vessels of the sending state in the. territorial waters of the receiving state; and

c) A consular officer shall be informed by the local authorities in case vessels

Of the sending state are wrecked in the territorial waters of the receiving

State, so that he may help to safeguard the interests of persons on board

And of the owners of the vessels and cargoes. In connection with notarials

And miscellaneous services, a consular officer may:

4. In connection with notarials and miscellaneous services, a consular officer may:

a) Issue notices to and receive declarations from citizens of the sending state

Required by the law of that state;

b) Validate acts, documents, or other legal instruments;

c) Take evidence in behalf of courts of the sending state;

d) Administer oaths;

e) Obtain copies or extracts from documents of public registry;

f) Inquire into matters pertaining to the interests of citizens of the sending State.

5. A consular officer may renew and issue passports and issue visas.

6. A consular officer has the right to communicate with his government and other consular and diplomatic establishments of the sending state:

a) By public means;

b) By courier;

c) By sealed official pouches or other official containers; and

d) By public telegraph either in clear or in coded language.

7. Throughout the period of his assignment in the receiving state, a consular officer who is a national of the sending state and who does not have the status in the receiving state of an alien lawfully admitted for permanent residence and who is not engaged in any other business, shall have the privilege of duty-free import of baggage, effects and other articles, including vehicles and vessels (but not larger than motor launches) for the personal use of himself and his immediate family. Such consular officer shall also be exempt from all manner of direct taxes or similar charges except with respect to:

a) The acquisition, ownership, or occupation of immovable property situated in the receiving state;

b) Income received from sources within the receiving state; and

c) The passing of property at death.

8. The immunities of a consular officer or employee who is a citizen of the sending state and not a permanent resident of the receiving state and who is not engaged in any other business include:

a) Exemption from the jurisdiction of the courts of the receiving state with respect to acts performed within the scope of his

official duties;

b) Exemption from having to produce documents from consular archives or give evidence on matters falling within the scope of official duties;

c) Exemption from arrest or prosecution except when charged with crimes other than misdemeanors;

d) Exemption from having him or his dependents subjects to the requirements of alien registration, residence permits, and similar regulations applicable generally to alien;

e) Exemption from all estate, inheritance, succession, or similar taxes imposed in the receiving state with respect to movable property belonging to the estate of a deceased consular officer or employee and used by him in the performance of his official duties, and which does not exceed in value two times the amount of all salary and allowances received by such consular officer or employee in the year immediately preceding his death.

9. The rights of the sending state include:

a) The right to own, lease or build buildings and appurtenances necessary for

Consular offices and staff residences;

b) Inviolability of archives;

c) Inviolability of official correspondence;

d) Immunity from entry or search except in case of a disaster, or unless there is ground for belief that a crime of violence has been or is about to be committed or that an individual suspected of a crime has taken refuge in a consular building:

e) Exemption from taxation, other than charges levied for services or local public improvements by which the premises are benefited;

f) Duty-free import of materials and equipment for the construction and operation of consular buildings and appurtenances, including residences;

And

g) Duty-free import of all articles, including vehicles and vessels (but not larger than motor launches) for the official use of the consular establishment.

IN WITNESS WHEREOF Walter K. Schwinn, Consul General of the United States of America, on behalf of the President of the United States of America, Dwight D. Eisenhower, and Sultan Said bin Taimur bin Faisal, Sultan of Muscat and Oman and Dependencies, on his own behalf, have signed the present Protocol and have affixed thereto their respective seals.

DONE in duplicate in the English and Arabic languages, both equally authentic, at Salalah in the Kingdom of Oman, this twentieth day of December one thousand nine hundred fifty-eight, which corresponds to the ninth day of Jumada II one thousand three hundred seventy-eight.

[SEAL]

[SEAL]

WHEREAS the Senate of the United States of America by their resolution of April 28, 1659, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said treaty, together with the mid protocol;

WHEREAS the mid treaty and protocol were ratified by the President of the United States of America on May 8, 1959, in pursuance of the aforesaid advice and consent of the Senate, and have been duly ratified by the Sultan of Muscat and Oman and Dependencies;

WHEREAS the respective instruments of ratification of the said treaty and protocol were duly exchanged at Salalah on May 11, 1960;

AND WHEREAS it is provided in Article XVI of the said treaty that the treaty shall enter into force one month after the day of exchange of ratifications; and the said protocol is considered to be an integral part of the treaty;

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 the said protocol to the end that the same and every article and clause thereof may be observed and fulfilled in good faith on and after June 11, 1960, one mouth 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 eighth day of July in the year of our Lord one thousand nine hundred and sixty

[SEAL] and of the Independence of the United States of America the one hundred eighty-fifth.

DWIGHT D EISENHOWER

By the President:

DOUGLAS DILLON

Acting Secretary of State