

Yemen

FRIENDSHIP AND COMMERCE

Exchange of notes at Sana'a May 4, 1946
Entered into force May 4, 1946

60 Stat. 1782; Treaties and Other
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*The Chief, Special United States Diplomatic Mission to the Kingdom of the
Yemen, to the Deputy Minister of Foreign Affairs*

SPECIAL U. S. DIPLOMATIC MISSION
TO THE KINGDOM OF THE YEMEN

SANA'A, May 4, 1946

EXCELLENCY:

I have the honor to make the following statement of my Government's understanding of the agreement reached through conversations held at Sana'a April 14 to May 4 by representatives of the Government of the United States of America and the Government of the Kingdom of the Yemen with reference to diplomatic and consular representation, juridical protection, commerce and navigation as hereafter defined. These two Governments, having in mind the letter dated March 4, 1946, from the President of the United States of America to the Imam Yehya Bin Mohamed Hamid-ud-din, King of the Yemen, by which the United States of America recognized the complete and absolute independence of the Kingdom of the Yemen, and desiring to strengthen the friendly relations happily existing between the two countries, and to respect the rights of this independence recognized by the above-mentioned letter as the basis for all their relations and to maintain the most-favored-nation principle in its unconditional and unlimited form as the basis of their commercial relations, agree to the following provisions:

ARTICLE I

The United States of America and the Kingdom of the Yemen will exchange diplomatic representatives and consular officers at a date which shall be fixed by mutual agreement between the two Governments.

ARTICLE II

The diplomatic representatives of each Party accredited to the Government of the other Party shall enjoy in the territories of such other Party the rights, privileges, exemptions and immunities accorded under generally recognized principles of international law. The consular officers of each Party who are assigned to the Government of the other Party, and are duly provided with exequaturs, shall be permitted to reside in the territories of such other Party at the places where consular officers are permitted by the applicable laws to reside; they shall enjoy the honorary privileges and the immunities accorded to officers of their rank by general international usage; and they shall not, in any event, be treated in a manner less favorable than similar officers of any third country.

ARTICLE III

Subjects of His Majesty the King of the Yemen in the United States of America and nationals of the United States of America in the Kingdom of the Yemen shall be received and treated in accordance with the requirements and practices of generally recognized international law. In respect of their persons, possessions and rights, such subjects or nationals shall enjoy the fullest protection of the laws and authorities of the country, and shall not be treated in any manner less favorable than the nationals of any third country. Subjects of His Majesty in the United States of America and nationals of the United States of America in the Kingdom of the Yemen shall be subject to the local laws and regulations, and shall enjoy the rights and privileges accorded in this third Article.

ARTICLE IV

In all matters relating to customs duties and charges of any kind imposed on or in connection with importation or exportation or otherwise affecting commerce and navigation, to the method of levying such duties and charges, to all rules and formalities in connection with importation or exportation, and to transit, warehousing and other facilities, each Party shall accord unconditional and unrestricted most-favored-nation treatment to articles the growth, produce or manufacture of the other Party, from whatever place arriving, or to articles destined for exportation to the territories of such other Party, by whatever route. Any advantage, favor, privilege or immunity with respect to any duty, charge or regulation affecting commerce or navigation now or hereafter accorded by the United States of America or by the King-

dom of the Yemen to any third country will be accorded immediately and unconditionally to the commerce and navigation of the Kingdom of the Yemen and of the United States of America, respectively. The advantages relating to customs duties now or hereafter accorded by the United States of America to the Republic of Cuba shall be excepted from the provisions of this agreement.

ARTICLE V

There shall be excepted from the provisions of Article IV of this Agreement advantages now or hereafter accorded: by virtue of a customs union of which either Party may become a member; to adjacent countries in order to facilitate frontier traffic; and by the United States of America or its territories or possessions to one another or to the Panama Canal Zone.

The last clause shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America or its territories or possessions to one another irrespective of any change in the political status of any such territories or possessions. Nothing in this Agreement shall prevent the adoption or enforcement by either Party within the area of its jurisdiction: of measures relating to the importation or exportation of gold or silver or the traffic in arms, ammunition, and implements of war, and, in exceptional circumstances, all other military supplies; of measures necessary in pursuance of obligations for the maintenance of international peace and security or necessary for the protection of the essential interests of such Party in time of national emergency; or of statutes in relation to immigration and travel. Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either Party against the subjects, nationals, commerce or navigation of the other Party in favor of the subjects, nationals, commerce or navigation of any third country, the provisions of this Agreement shall not extend to prohibitions or restrictions: imposed on moral or humanitarian grounds; designed to protect human, animal, or plant life or health; relating to prison-made goods; or relating to the enforcement of police or revenue law.

ARTICLE VI

The provisions of this Agreement shall apply to all territory under the sovereignty or authority of either of the parties, except the Panama Canal Zone.

ARTICLE VII

This Agreement shall continue in force until superseded by a more comprehensive commercial agreement, or until thirty days from the date of a written notice of termination given by either party to the other Party, whichever is the earlier. Moreover, either Party may terminate Articles I, II, III, or IV on thirty days written notice.

If the above provisions are acceptable to the Government of the Kingdom of the Yemen this note and the reply signifying assent thereto shall, if agreeable to that Government, be regarded as constituting an agreement between the two Governments which shall become effective on the date of such acceptance.

Accept, Excellency, the assurances of my highest consideration.

WILLIAM A. EDDY
*Chief, Special U.S. Diplomatic Mission
to the Kingdom of the Yemen*

AL QADI ABDUL KARIM MUTAHHAR
*Deputy Minister of Foreign Affairs
Kingdom of the Yemen*

*The Deputy Minister of Foreign Affairs to the Chief, Special United States
Diplomatic Mission to the Kingdom of the Yemen*

[TRANSLATION]

THE ISLAMIC GOVERNMENT
ORDAINED BY ALLAH

SANA'A
May 4, 1946
Jamada-al-Thaniya, 3, 1365

His Excellency

MR. WILLIAM ALFRED EDDY
*Chief, U.S. Special Mission
to the Kingdom of The Yemen.*

I have the honor to acknowledge receipt of Your Excellency's letter dated May 4, 1946, corresponding to Jamada-al-Thaniya, 3, 1365, the text of which is as follows:

[For terms of agreement, see U.S. note, above.]

On behalf of the Government of the Yemen, I declare my government's adherence to the provisions stated in this Agreement which is considered effective on the date of signature.

ABDUL KARIM MUTAHHAR
Deputy Foreign Minister