

**No. 6967**

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**BELGIUM  
and  
UNITED STATES OF AMERICA**

**Treaty of Friendship, Establishment and Navigation (with  
Protocol). Signed at Brussels, on 21 February 1961**

*Official texts: French and English.*

*Registered by Belgium on 25 October 1963.*

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**BELGIQUE  
et  
ÉTATS-UNIS D'AMÉRIQUE**

**Traité d'amitié, d'établissement et de navigation (avec  
Protocole). Signé à Bruxelles, le 21 février 1961**

*Textes officiels français et anglais.*

*Enregistré par la Belgique le 25 octobre 1963.*

No. 6967. TREATY<sup>1</sup> OF FRIENDSHIP, ESTABLISHMENT AND NAVIGATION BETWEEN THE KINGDOM OF BELGIUM AND THE UNITED STATES OF AMERICA. SIGNED AT BRUSSELS, ON 21 FEBRUARY 1961

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His Majesty the King of the Belgians and

The President of the United States of America,

*Desirous* of strengthening the bonds of peace and friendship traditionally existing between their two countries and of encouraging closer economic and cultural relations between the two peoples,

*Being cognizant* of the contributions which may be made toward these ends by arrangements specifying mutually accorded rights and privileges and promoting mutually advantageous commercial intercourse and investments,

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

His Majesty the King of the Belgians :

His Excellency Mr. Pierre Wigny, Minister for Foreign Affairs;

The President of the United States of America :

His Excellency Mr. William A. M. Burden, Ambassador Extraordinary and Plenipotentiary of the United States of America in Brussels;

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

#### *Article 1*

Each Contracting Party shall at all times accord equitable treatment and effective protection to the persons, property, enterprises, rights and interests of nationals and companies of the other Party.

#### *Article 2*

1) Nationals of either Contracting Party shall, subject to the laws relating to the entry, sojourn and establishment of aliens, be permitted to enter the territories of the other Party, to travel therein freely, to reside and establish

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<sup>1</sup> Came into force on 3 October 1963, one month after the date of the exchange of the instruments of ratification which took place at Washington on 3 September 1963, in accordance with the provisions of article 21.

themselves at places of their choice. Nationals of either Party shall in particular be permitted to enter the territories of the other Party and reside therein :

- a) for the purpose of carrying on trade between the two countries and engaging in related commercial activities; or
- b) for the purpose of developing and directing the operations of an enterprise in which they have invested, or are actively in the process of investing, a substantial amount of capital.

2) Nationals of either Party and nationals of third countries en route to or from the territories of such Party shall, subject to the reservation in paragraph 1 of the present Article, be accorded freedom of transit for themselves and their baggage through the territories of the other Party by the routes most convenient for international transit. In particular, they shall be free from requirements that entail unnecessary delays and impediments. They shall be subject, however, to regulations with respect to their baggage that are applicable to aliens generally in order to prevent abuse of the transit privilege.

3) Nationals of either Party, within the territories of the other Party, shall enjoy freedom of conscience; and they shall be at liberty to hold religious services, both public and private, at suitable places of their choice.

4) Nationals of either Party shall be permitted, within the territories of the other Party, to gather information material for dissemination to the public abroad, and shall enjoy freedom of transmission of such material to be used for publication by the press, radio, television, motion pictures and other means; and they shall be permitted to communicate freely with other persons inside and outside such territories by mail, telegraph and other means open to general public use.

5) The provisions of the present Article shall be subject to the right of either Party to apply measures that are necessary to maintain public order and protect the public health, morals and safety.

### *Article 3*

1) Nationals of either Contracting Party within the territories of the other Party shall be accorded full legal and judicial protection for their persons, rights and interests. Such nationals shall be free from molestation and shall receive constant protection in no case less than that required by international law.

2) To this end they shall in particular have right of access, on the same basis and on the same conditions as nationals of such other Party, to the courts of justice and administrative tribunals and agencies in all degrees of jurisdiction and shall have right to the services of competent persons of their choice.

3) The provisions of paragraphs 1 and 2 of the present Article shall extend and apply in the same manner to companies. It is understood, moreover, that the right of such access shall be enjoyed without any requirement of registration or domestication :

- a) in the case of Belgian companies not engaged in activities in the territories of the United States of America; and
- b) in the case of United States companies not established in the territories of the Kingdom of Belgium.

4) If a national of either Party is taken into custody within the territories of the other Party, the nearest consular representative of his country shall on the demand of such national be immediately notified and shall have the right to visit and communicate with such national without arbitrary delay. Such national shall :

- a) receive reasonable and human treatment in no case less than that required by international law;
- b) be formally and immediately informed of the charges against him; and
- c) be brought to trial as rapidly as is consistent with the proper preparation of his defense, for which he shall enjoy all reasonable means, including the services of competent counsel.

5) 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 searches or measures other than those permitted by law and in execution of law. Official searches and examinations of such premises and their contents, when necessary, shall be made according to law and with careful regard for the convenience of the occupants and the conduct of business.

6) 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 and denied effective means of enforcement by the authorities of either Party merely on the grounds that the place where such award was rendered is outside the territories of such Party or that the nationality of one or more of the arbitrators is not that of such Party.

*Article 4*

1) Property that nationals and companies of either Contracting Party own within the territories of the other Party shall enjoy constant security therein through full legal and judicial protection.

2) Neither Party shall take unreasonable or discriminatory measures that would impair the acquired rights and interests within its territories 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.

3) Nationals and companies of either Party shall not be expropriated of their property within the territories of the other Party except for public benefit and with the prompt payment of just compensation. Such compensation shall be in an effectually realizable form and shall represent the full equivalent of the property taken. Furthermore, adequate provision shall have been made not later than the time of taking for the determination and payment thereof.

4) Nationals and companies of either Party shall in no case be accorded, within the territories of the other Party, less than national treatment with respect to the matters set forth in paragraph 3 of the present Article and in paragraph 5 of Article 3. Moreover, enterprises in which nationals and companies of either Party have a substantial interest shall be accorded, within the territories of the other Party, not less than national 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 5*

1) Nationals and companies of either Contracting Party shall be accorded, within the territories of the other Party, national treatment with respect to obtaining and maintaining patents of invention, and with respect to rights in trade marks, trade names, trade labels and industrial property of all kinds.

2) The Parties deem that it is highly desirable to further, through cooperative and other appropriate means, the interchange and use of scientific and technical knowledge, particularly in the interest of increasing productivity and improving standards of living within their respective territories.

*Article 6*

1) Nationals of either Contracting Party shall be permitted, within the territories of the other Party, to organize companies for gain upon the same conditions as nationals of such other Party. Nationals and companies of either

Party shall be permitted to maintain subsidiaries, branches, agencies and offices within the territories of the other Party upon conditions no less favorable than those accorded nationals of such other Party.

2) Nationals and companies of either Party shall be accorded national treatment with respect to engaging in all types of commercial, industrial, financial and other activities for gain within the territories of the other Party. The provisions of the preceding sentence shall apply in the case of nationals to activities in an independent or dependent capacity.

3) Companies constituted under the applicable laws and regulations within the territories of either Party shall be deemed companies thereof and shall have their juridical status recognized within the territories of the other Party, provided that nothing in their charter or corporate purposes is contrary to the public policy of such other Party.

4) In the case of enterprises situated within the territories of either Party and controlled by nationals and companies of the other Party, such enterprises, whether in the form of individual proprietorships, companies or otherwise, shall in all that relates to the conduct of the activities thereof be accorded treatment no less favorable than that accorded like enterprises controlled by nationals or companies of the country.

5) Each Party reserves the right to determine the extent to which aliens may establish, acquire interests in, or carry on enterprises engaged within its territories in communications, air or water transport, banking involving fiduciary or depository functions, or the exploitation of land or other natural resources. However, new limitations imposed by either Party on the extent to which aliens are accorded national treatment, with respect to carrying on such activities within its territories, shall not be applied as against enterprises which are regularly engaged in such activities therein at the time such new limitations are adopted and which are owned or controlled by nationals and companies of the other Party. Moreover, neither Party shall deny to transportation, communications and banking enterprises of the other Party the right to maintain branches and agencies to perform functions necessary for essentially international operations in which they are permitted to engage.

6) The provisions of the present Article shall not prevent either Party from prescribing special formalities in connections with the establishment of companies or enterprises within its territories which are managed or controlled by aliens; but such formalities may not impair the substance of the rights set forth in paragraphs 1, 2 and 4 of the present Article.

7) Nationals and companies of either Party shall be accorded national treatment with respect to engaging in scientific, educational, religious and philanthropic activities within the territories of the other Party. They shall be

accorded the right to form associations, including non-profit associations, under the laws of such other Party for the purpose of engaging in the aforesaid activities. Nothing in the present Treaty shall be deemed to grant or to imply any right to engage in political activities.

#### *Article 7*

1) The Contracting Parties recognize that it is desirable for conditions of competitive equality to be maintained in situations in which publicly owned or controlled trading or manufacturing enterprises are in competition within the territories of either Party with privately owned and controlled enterprises of nationals or companies of the other Party.

2) Accordingly, such state-owned enterprises should not be given special economic privileges which could injure the competitive position of such private enterprises. However, this principle shall not be construed to prevent either Party from making such special concessions in aid of state-owned enterprises as it deems necessary during periods of economic crisis, especially to relieve unemployment. This principle, moreover, is without prejudice to special advantages given in connection with :

- a) manufacturing goods for government use, or supplying goods and services to the Government for government use; or
- b) supplying, at prices substantially below competitive prices, the needs of particular population groups for essential goods and services not otherwise practically obtainable by such groups.

#### *Article 8*

1) Nationals and companies of either Contracting Party shall be permitted to engage, within the territories of the other Party, the services of accountants and technical experts of all kinds, executive personnel, attorneys, agents and other specialists of their choice.

2) Nationals and companies of either Party shall be permitted to engage the services of accountants and other technical experts regardless of the extent to which they may have qualified for the practice of a profession within the territories of the other Party, for the sole purpose of making examinations, audits and technical investigations and rendering reports in the private interest of such nationals and companies in connection with the planning and operation of their enterprises, and enterprises in which they have a financial interest, within such territories.

*Article 9*

1) Nationals of either Contracting Party residing within the territories of the other Party, and nationals and companies of either Party engaged in trade or other gainful pursuit or in scientific, educational, religious or philanthropic activities within the territories of the other Party, shall not be subject to the payment of taxes, fees or charges imposed upon or applied to income, capital, transactions, activities or any other object, or to requirements with respect to the levy and collection thereof, within the territories of such other Party more burdensome than those borne by nationals and companies of such other Party in like situation.

2) With respect to nationals of either Party who are neither resident nor engaged in trade or other gainful pursuit within the territories of the other Party, and with respect to companies of either Party which are not engaged in trade or other gainful pursuit within the territories of the other Party, it shall be the aim of such other Party to apply in general the principle set forth in paragraph 1 of the present Article.

3) Nationals and companies of either Party covered by par. 2 of the present Article, shall not be subject, within the territories of the other Party, to the payment of taxes, fees or charges imposed upon or applied to income, capital, transactions, activities or any other object, or to requirements with respect to the levy and collection thereof, more burdensome than those borne by nationals and companies of any third country.

4) In the case of companies of either Party engaged in trade or other gainful pursuit within the territories of the other Party, and in case of nationals of either Party engaged in trade or other gainful pursuit within the territories of the other Party but not resident therein, such other Party shall not impose or apply any tax, fee or charge upon any income, capital or other basis in excess of that reasonably allocable or apportionable to its territories, nor grant deductions and exemptions less than those reasonably allocable or apportionable to its territories. A comparable rule shall apply also in the case of companies organized and operated exclusively for scientific, educational, religious or philanthropic purposes.

5) The provisions of the present Article shall not obligate either Party to extend to nationals and companies of the other Party tax advantages accorded to nationals and companies of any third country on the basis of reciprocity of by virtue of agreements for the avoidance of double taxation. Furthermore, each Party reserves the right to apply special provisions in extending advantages to its nationals and residents in connection with joint tax returns by husband and



wife and in allowing to residents of contiguous countries exemptions of a personal nature in connection with income and inheritance taxes.

### *Article 10*

1) Nationals and companies of either Contracting Party shall be accorded by the other Party the same treatment as nationals and companies of such other Party 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 such other Party and of any third country. This treatment shall be not less favorable than that accorded to nationals and companies of any third country in like situations.

2) Neither Party shall impose exchange restrictions as defined in paragraph 5 of the present Article except to the extent necessary to maintain or restore adequacy to its monetary reserves, particularly in relation to its external commercial and financial requirements. It is understood that the provisions of the present Article do not alter the obligations either Party may have to the International Monetary Fund or preclude imposition by either Party of particular restrictions whenever the Fund specifically so authorizes or requests.

3) If either Party imposes exchange restrictions in accordance with paragraph 2 of the present Article, it shall not fail, after making whatever provision may be necessary to assure the availability of foreign exchange for essential goods and services, to make provision to the fullest extent practicable in light of the level of the monetary reserves and its balance-of-payments, for the withdrawal in the currency of the other Party, of : *a*) the compensation referred to in Article 4, paragraph 3, *b*) earnings, whether in the form of salaries, interest, dividends, commissions, royalties, payments for technical services, or otherwise, *c*) amounts for amortization of loans, depreciation of direct investments, and, to the extent feasible, capital transfers, giving consideration to special needs for other transactions. If more than one rate of exchange is in force, the rate applicable to such withdrawal shall be a rate which is specifically approved by the International Monetary Fund for such transactions or, in the absence of a rate so approved an effective rate which, inclusive of any taxes or surcharges on exchange transfers, is just and reasonable.

4) Exchange restrictions shall not be imposed by either Party in a manner unnecessarily detrimental or arbitrarily discriminatory to the claims, invest-

ments, transport, trade and other interests of the nationals and companies of the other Party, nor to the competitive position thereof.

5) The term “ exchange restrictions ” as used in the present Article includes all restrictions, regulations, charges, taxes, or other requirements imposed by either Party which burden or interfere with payments, remittances, or transfers of funds or financial instruments between the territories of the two Parties.

6) Questions arising under the present Treaty concerning exchange restrictions affecting aliens are governed by the provisions of the present Article.

#### *Article 11*

Commercial travelers representing nationals and companies of either Contracting Party engaged in business within the territories thereof shall be accorded within the territories of the other Party treatment no less favorable than that accorded to commercial travelers representing nationals and companies of such other Party with respect to the exercise of their functions.

#### *Article 12*

1) Between the territories of the two Contracting Parties there shall be, in accordance with the provisions of the present Treaty, freedom of navigation.

2) Vessels under the flag of either Party, and carrying the papers required by its laws 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) The term “ vessels ” as used in the present Treaty, means all types of vessels, whether privately owned or operated, or publicly owned or operated, but this term does not include vessels of war.

#### *Article 13*

1) Vessels of either Contracting 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 such other Party open to foreign commerce and navigation. Such vessels and cargoes shall in the ports, places and waters of such other Party be accorded in all respects national treatment and most-favored-nation treatment.

2) Vessels of either Party en route to or from the territories of the other Party shall be accorded national treatment and most-favored-nation treatment with respect to the right to carry all cargo that may be carried by vessel.

3) Goods carried by vessels under the flag of either Party to or from the territories of the other Party shall enjoy the same favors as when transported in vessels sailing under the flag of such other Party. This applies especially with regard to customs duties and all other fees and charges, to bounties, drawbacks and other privileges of this nature, as well as to the administration of the customs and to transport to and from port by rail and other means of transportation.

4) The coasting trade and inland navigation are excepted from the provisions of the present Article. However, the vessels of each Party shall be accorded by the other Party most-favored-nation treatment with respect to the coasting trade and inland navigation. Moreover, it is understood that vessels of either Party shall be permitted to discharge portions of cargoes at any ports, places or waters of the other Party open to foreign commerce and navigation, and to proceed with the remaining portions of such cargoes to any other such ports, places or waters and they shall be permitted to load in like manner in the same voyage outward, at the various ports, places and waters open to foreign commerce and navigation; but a right to engage in the coasting trade or inland navigation may not thereby be claimed.

5) 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 14*

If a vessel of either Contracting Party runs aground or is wrecked on the coasts of the other Party, or if it is in distress and must put into a port of the other Party, the latter Party shall extend to the vessel as well as to the crew, the passengers, the personal property of crew and passengers, and to the cargo of the vessel, the same protection and assistance as would have been extended to a vessel under its own flag in like circumstances; and shall permit the vessel after repairs to proceed with its voyage upon conformity with the laws applicable alike to vessels under its own flag. Articles salvaged from the vessel shall be exempt from all customs duties unless they pass into internal consumption; but articles not entered for consumption may be subject to measures for the protection of the revenue pending their exit from the country.

*Article 15*

1) In all ports of either Contracting Party the masters of vessels under the flag of the other Party, whose crews have ceased to be fully constituted on account of illness or for any other cause, shall be permitted to engage such seamen as may be necessary for the continuation of the voyage.

2) Nationals of either Party who are seamen may be sent to ports of the other Party to join national vessels, in care of consular officers, either individually or in groups on the basis of seamen's papers issued in lieu of passports. Likewise, nationals of either Party shall be permitted to travel through the territory of the other Party on their way to join vessels or to be repatriated on the basis of seamen's papers used in lieu of passports.

*Article 16*

The present Treaty shall not preclude the application by either Contracting Party of measures :

- a) regulating the importation or exportation of gold or silver;
- b) relative to its national fisheries and to the products thereof;
- c) relating to fissionable materials, to radioactive by-products of the utilization or processing thereof, or to materials that are the source of fissionable materials;
- d) 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 establishment;
- e) 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;
- f) for the protection of national treasures having an artistic, historical or archeological value; or
- g) 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.

*Article 17*

1) The term "national treatment" means treatment accorded within the territories of a Contracting Party upon terms no less favorable than the treat-

ment accorded therein, in like situations, to nationals, companies, products, vessels or other objects, as the case may be, of such Party.

2) The term “ most-favored-nation treatment ” means treatment accorded within the territories of a Party upon terms no less favorable than the treatment accorded therein, in like situations, to nationals, companies, products, vessels or other objects, as the case may be, of any third country.

3) As used in the present Treaty, the term “ companies ” means corporations, partnerships, companies and other associations, whether or not with juridical status, whether or not with limited liability and whether or not for pecuniary profit.

4) National treatment accorded under the provisions of the present Treaty to companies of the Kingdom of Belgium shall, in any State or possession of the United States of America, be the treatment accorded therein to companies created or organized in other States and possessions of the United States of America.

#### *Article 18*

1) The territories to which the present Treaty extends shall comprise all areas of land and water under the sovereignty or authority of each Contracting Party, other than the Trust Territory of Ruanda-Urundi in the case of the Kingdom of Belgium, and the Panama Canal Zone and the Trust Territory of the Pacific Islands in the case of the United States of America.

2) It is understood that the present Treaty does not apply to territories under the authority of either Party solely as a military base or by reason of temporary military occupation.

#### *Article 19*

1) Each Contracting 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.

2) Any dispute between the Parties as to the interpretation or application of the present Treaty, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the Parties agree to settlement by some other pacific means.

*Article 20*

The present Treaty shall terminate the Treaty of Commerce and Navigation signed at Washington March 8, 1875,<sup>1</sup> and the Convention concerning Trade Marks signed at Washington April 7, 1884.<sup>2</sup>

*Article 21*

1) The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Washington as soon as possible.

2) The present Treaty shall enter into force one month after the day of exchange of the instruments of ratification.

3) The present Treaty shall remain in force for ten years and shall continue in force thereafter until terminated as provided herein.

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

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Treaty and have affixed hereunto their seals.

DONE at Brussels, this 21<sup>st</sup> day of February one thousand nine hundred sixty one, in duplicate, in the French and English languages, both equally authentic.

For the Kingdom  
of Belgium :

P. WIGNY

For the United States  
of America :

William A. M. BURDEN

## PROTOCOL

At the time of signing the Treaty of Friendship, Establishment and Navigation<sup>3</sup> between the United States of America and the Kingdom of Belgium the undersigned Plenipotentiaries, duly authorized, have further agreed on the following provisions, which shall be considered integral parts of the aforesaid Treaty :

1) The provisions of Article 2, paragraph 1, *b*), of the Treaty shall be construed as extending to persons who represent nationals and companies of the same nationality which have invested or are actively in the process of in-

<sup>1</sup> De Martens, *Nouveau Recueil général de Traités, deuxième série, tome I*, p. 54.

<sup>2</sup> De Martens, *Nouveau Recueil général de Traités, deuxième série, tome XI*, p. 794.

<sup>3</sup> See p. 151 of this volume.

vesting a substantial amount of capital in an enterprise in the territories of the other Party, and who are employed by such nationals and companies in a responsible capacity.

2) With reference to the provisions of Article 3, paragraph 2, each Party agrees that, within its territories, the nationals of the other Party shall be entitled to free legal aid on the same conditions as its own nationals.

3) With reference to Article 3, paragraphs 2 and 3, nationals of either Party having their permanent residence within the territories of the other Party and companies of either Party having their establishment, main or branch, within the territories of the other Party who appear as plaintiff or intervening party before the courts of such other Party shall be exempt from obligation to post security for costs in such instances as nationals and companies of such other Party would be exempt.

4) The provisions of Article 4, paragraph 3, providing for the payment of compensation shall extend to interests held directly or indirectly by nationals and companies of either Party in property which is taken within the territories of the other Party.

5) The provisions of the present Treaty do not confer rights to engage in gainful activities except with the authorization to that effect required by the applicable laws and regulations. The two Parties are agreed, however, to entertain in a most considerate manner applications for authorization to engage in activities pursuant to the Treaty.

6) The provisions of Article 6, paragraph 2, 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.

7) The provisions of Article 6, paragraph 2, shall not extend to the activity of peddlers and itinerant artisans in the exercise of their occupations as such.

8) With reference to Article 6, paragraph 3, neither Party shall apply the term "public policy" so as to deny recognition to a company constituted under the laws of the other Party in any situation in which the former Party permits a company with like purposes to be constituted under its laws.

9) The benefit of the provisions of Article 6, paragraph 3, and of Article 9, paragraph 4, shall not be acquired within the territories of the Contracting Party whose law takes the main establishment into consideration for the recognition of companies, if such establishment is deemed to be within its territory.

10) The provisions of Article 6, paragraphs 2 and 7, shall not be construed to confer rights with respect to owning real property.

11) The treatment provided in Article 10, paragraph 1, is designed only to preclude discriminations on the ground of nationality but does not, for instance, preclude different treatment based upon residence requirements.

12) It is understood that the word “ cargo ” (or “ cargoes ”) as used in Article 13 shall be deemed to comprehend passengers as well as goods.

13) The provisions of Article 13, paragraph 2, shall not apply to postal services.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Protocol and have affixed hereunto their seals.

DONE at Brussels, this 21<sup>st</sup> day of February one thousand nine hundred sixty-one, in duplicate, in the French and English languages, both equally authentic.

For the Kingdom  
of Belgium :

P. WIGNY

For the United States  
of America :

William A. M. BURDEN