

# **Trade, Investment Protection and Technical Cooperation Agreement between the Swiss Confederation and the Togolese Republic**

The Government of the Swiss Confederation and the Government of the Republic of Togo, desiring to enhance the bonds of friendship between the two countries; desiring to develop economic and technical cooperation as well as their trade have agreed as follows.

## **Article 1. Economic and Technical Cooperation**

The Government of the Swiss Confederation and the Government of the Republic of Togo undertake to cooperate and provide, in conformity with their legislation and within the limits of their possibilities, mutual assistance for the development of their countries, especially in the area of economic and technical.

## **Article 2. Most-favoured-nation Treatment**

Each High Contracting Parties agree to grant each other treatment no less favourable than that accorded to third countries with regard to customs duties and customs formalities.

However, the most-favoured-nation treatment does not extend to the privileges, exemptions and concessions that each of the contracting parties is or will be:

- In countries adjacent to frontier traffic;
- The countries with a customs union or a free-trade area, already established or which may be established.

## **Article 3. Import Regime In Switzerland**

The Government of the Swiss Confederation continues to accord the same liberal regime existing date as the import of products originating in Switzerland and from the Republic of Togo, including those mentioned in the list is attached.

## **Article 4. Import Regime In the Togolese Republic**

The Government of the Republic of Togo authorizes the importation of products originating in and coming from the Swiss Confederation including those contained in the List B hereto up to a maximum limit values indicated in respect of each item. it shall also be the release of Swiss products imports or global opened quotas for imports of foreign products. the Swiss goods will be placed on the same footing as other foreign countries originating in the context of the global system of quotas.

## **Article 5. Trade Balance**

Any review of trade in goods and the balance of trade between the two countries is based on both sides import statistics.

## **Article 6. Payment Arrangements**

Payments between the Swiss Confederation and the Republic of Togo, including the settlement of goods traded within the framework of this Agreement, shall be accorded treatment no less favourable than that accorded to third countries and currency shall be free.

## **Article 7. Protection of Investments**

Investment as well as the property rights and interests belonging to nationals or companies, foundations, associations of

one of the High Contracting Parties in the territory of the other will receive treatment which is fair and equitable and not less than that granted by each party to its nationals or, if it is more favourable treatment accorded to nationals or companies, foundations, associations most-favoured nation.

Each Party shall allow the free transfer of proceeds of the employment or employment in its territory by nationals or companies, foundations, associations of the other contracting party, as well as the free transfer of interests, dividends, royalties and other income, depreciation and, in the event of partial or total liquidation of the product.

If a party or nationaliserait expropriate property rights or interests belonging to nationals or companies, foundations, associations, of the other party or will be taken against those nationals or companies associations, foundations, any other measures of dispossession, direct or indirect, it shall provide for the payment of adequate and effective compensation in accordance with international law.

The amount of such compensation shall be set at the time of expropriation, nationalization or dispossession, other shall be settled in a currency transferable and shall be paid without undue delay to the claimant, irrespective of their place of residence. however, the measures of expropriation, nationalization or dispossession other shall not be discriminatory, nor contrary to a specific commitment.

## **Article 8. Arbitration Clause for the Protection of Investments**

If any dispute should arise between the contracting parties concerning the interpretation or the implementation of the provisions of article 7 above and the dispute cannot be settled within a period of six months in a satisfactory manner through diplomatic channels, it shall be submitted, at the request of either party to an arbitral tribunal of three members. each Party shall appoint an arbitrator. The two arbitrators appointed shall appoint the Umpire who shall be a national of a third State.

If a Party has not appointed its arbitrator and has not followed the invitation of the other party within two months of such appointment, the arbitrator shall be appointed upon the request of that Party, by the President of the International Court of Justice. if the two arbitrators cannot reach an agreement within two months after their appointment, at the choice of an umpire, the latter shall be appointed upon the request of either party by the President of the International Court of Justice.

If in the cases specified in paragraphs 2 and 3 of this article, the President of the International Court of Justice is prevented or if he is a national of either party, the appointment shall be made by the Vice-President. If the latter is prevented or if he is a national of either party, the appointment shall be made by the eldest member of the Court who is not a national of either party.

Unless the Parties decide otherwise, the tribunal shall determine its own procedure.

The decisions of the Tribunal shall be binding on the parties.

## **Article 9. Implementation of the Agreement In Liechtenstein**

This Agreement shall apply to the Principality of Liechtenstein as long as it relates to the Swiss Confederation by a customs union treaty. (1)

(1) RS 0.631.112.514

## **Article 10. Entry Into Force and Extension**

This Agreement shall enter into force upon signature and will be valid until 31 December 1964. It shall be renewed every year tacitly renewed until either Contracting Party has not denounced in writing with 'notice three months before the end of each year.

It shall apply provisionally upon signature, the definitive entry into force of the notification by a contracting party to the other party that it has complied with the constitutional requirements for the conclusion and entry into force of the international agreements.

In the event of termination, the provisions of articles 7 and 8 above shall apply for a period of ten years for investments made prior to the termination of the Agreement.

Done in duplicate at Lomé on 17 January 1964.