

Agreement on Trade and Investment Protection between the Swiss Confederation and the Republic of Rwanda

The Government of the Swiss Confederation and the Government of the Republic of Rwanda, wishing to establish closer ties of friendship between the two countries, and in an effort to promote economic cooperation and trade, have agreed as follows:

Article 1. Most Favoured Nation Treatment

The two High Contracting Parties agree to accord each other most-favoured-nation treatment in respect of customs duties and formalities.

However, most-favored-nation treatment shall not extend to the advantages, concessions and exemptions which each of the High Contracting Parties grants or will grant :

- to neighbouring countries in frontier traffic;
- to countries which are members with it of a customs union or free trade area which has already been established or which may be established in the future.

Article 2. Import Regime In Switzerland

The Government of the Swiss Confederation continues to grant the same liberal regime as that which exists today to the importation of products of Rwandan origin and provenance into Switzerland.

Article 3. Import Regime In Rwanda

The Government of the Republic of Rwanda authorizes the import of products of Swiss origin and from the Swiss Confederation. The import regime for Swiss goods will be placed on an equal footing with that applied to imports from third countries.

Article 4. Payment System

Payments between the Republic of Rwanda and the Swiss Confederation, including the payment of goods exchanged under this agreement, shall be made in convertible currencies.

Article 5. Establishment and Protection of Nationals

The nationals of each of the High Contracting Parties shall enjoy in the territory of the other Party, on the basis of reciprocity, the right to enter, travel, sojourn, acquire, possess and dispose of movable and immovable property and to engage in commerce, industry and other legally permitted activities, under the conditions provided for in the constitution, laws and regulations in force or which may be promulgated subsequently to this Treaty by the other Contracting Party. They shall enjoy the same treatment in judicial, administrative or other proceedings as is accorded to the nationals of the other Party with respect to the protection and security of their person and property. Nationals of one of the Contracting Parties established or residing in the territory of the other Party may export all their property to the same extent as nationals of the most favored nation.

Article 6. Investment Protection

Investments, property, rights and interests belonging to nationals, foundations, associations or corporations of one of the High Contracting Parties in the territory of the other or held indirectly by such nationals, foundations, associations or corporations shall be accorded fair and equitable treatment at least equal to that accorded by each Party to its nationals, or,

if more favorable, to the treatment accorded to the nationals, foundations, associations or corporations of the most favored nation.

Each Party undertakes to permit the free transfer of the proceeds of the work or activity carried on in its territory by nationals, foundations, associations or corporations of the other Party, and the free transfer of profits, interest, dividends, royalties and other income, depreciation and, in the event of liquidation in whole or in part, the proceeds thereof.

Transfers shall be made in accordance with the legislation in force on the date of signature of the agreement or any other future legislation, provided that it is more favorable.

In the event that a Party expropriates or nationalizes property, rights or interests belonging to or held indirectly by nationals, foundations, associations or corporations of the other Party, or takes any other direct or indirect dispossessory measures against such nationals, foundations, associations or corporations, it shall provide for the payment of effective and adequate compensation in accordance with the law of nations. The amount of such compensation, which shall be fixed at the time of the expropriation, nationalization or dispossession, shall be paid in a transferable currency and shall be paid without undue delay to the entitled person, irrespective of his place of residence. However, the measures of expropriation, nationalization or dispossession shall not be discriminatory or contrary to any specific undertaking.

Article 7. Arbitration Clause for the Protection of Investments

If a dispute arises between the High Contracting Parties concerning the interpretation or implementation of the provisions of Article 6 above and if the dispute cannot be settled satisfactorily through diplomatic channels within six months, it shall be submitted, at the request of either Party, to an arbitral tribunal of three members. Each Party shall appoint one arbitrator. The two arbitrators appointed shall appoint a referee who shall be a national of a third State.

If one of the Parties has not appointed its arbitrator and has not complied with the invitation of the other Party to do so within two months, the arbitrator shall be appointed, at the request of that Party, by the President of the International Court of Justice.

If the two arbitrators cannot agree within two months of their appointment on the choice of a referee, the referee shall be appointed, at the request of one of the Parties, by the President of the International Court of Justice.

If, in the cases provided for in paragraphs 2 and 3 of this article, the President of the International Court of Justice is unable to act or if he is a national of one of the Parties, the appointments shall be made by the Vice-President. If the Vice-President is unable to act or if he or she is a national of one of the Parties, the appointments shall be made by the oldest member of the Court who is not a national of any of the Parties.

Unless the Parties otherwise agree, the Tribunal shall determine its own procedure.

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

Article 8. Joint Commission

A joint commission shall meet at the request of either of the two Contracting Parties. It shall supervise the application of this agreement and agree on any measures to improve economic relations between the two countries.

Article 9. Application of the Agreement In Liechtenstein

Articles 1 to 4 and Article 8 of this Agreement shall apply to the Principality of Liechtenstein as long as it is bound to the Swiss Confederation by a customs union treaty.

Article 10. Entry Into Force and Renewal

This agreement shall be valid until December 31, 1964. It shall be renewable from year to year by tacit agreement for a further period of one year, unless either Contracting Party denounces it in writing with three months' notice before its expiration.

It will be provisionally applicable upon signature, its definitive entry into force depending on the notification by each Contracting Party to the other that it has complied with the constitutional requirements for the conclusion and entry into force of international agreements.

In the event of denunciation, the provisions of Articles 6 and 7 above shall continue to apply for a period of twelve years to investments made prior to the denunciation.

Done, in duplicate, at Kigali, this 15th day of October 1963.

For the Government of the Swiss Confederation:

(signed) A. E. Lindi

For the Government of the Republic of Rwanda:

(signed) B. Bicomumpaka