

Agreement on economic and technical cooperation_ between the Government, of the Kingdom of the Netherlands and the Government of the Republic of ..

The Government of the Kingdom of the Netherlands and the Government of the Republic of,

Desiring to strengthen their traditional ties of friendship, to extend and intensify their economic and technical relations and to encourage investments on the basis of equality and to their mutual benefit

Have agreed as follows:

Article I.

1. The Contracting Parties undertake to promote their cooperation in the economic and technical fields.
2. The Contracting Parties will cooperate to facilitate the participation of nationals of either Contracting Party in the establishment of productive and commercial activities and the provision of services in the other state.
3. Any future technical cooperation between the two countries will be defined in special agreements or administrative arrangements.

Article II.

To further the achievement of the aims of the present Agreement, the Government of either Contracting Party is prepared, within the limits of its legislation, to authorize their mutual nationals at their request to deliver capital goods to and carry out public works for governmental and private enterprises in the other State against payment by instalments.

Either Contracting Party shall guarantee, in conformity with their legislation, the transfer, when due, of the sums owing to creditors, who are nationals of the other Contracting Party.

Article III.

The Contracting Parties shall facilitate the intensification of commercial relations between their respective countries to the highest possible extent.

They shall, within the framework of and subject to their national legislation, further the cooperation between the companies, associations, foundations and other organisations of any kind or subsidiary bodies thereof, which are connected with their economic life, and all their nationals engaged in economic activities, in order to develop their mutual resources.

Article IV.

When deciding on requests for the establishment of regular civil air services the Contracting Parties shall take into consideration the importance of the greatest possible freedom in airtraffic.

When such requests are granted the Contracting Parties shall accord each other most-favoured-nation treatment.

Article V.

The Contracting Parties agree to promote the development of international shipping services. In doing so they shall maintain free and normal competitive conditions. Either Contracting Party shall refrain from taking any discriminatory measures against, and from restricting the free participation in international traffic of, vessels operated by enterprises of

which the place of effective management is situated in the territory of the other Contracting Party.

From this arrangement shall be excepted fishery and coastal shipping in the non-European parts of the Kingdom of the Netherlands, to which only the internal regulations of these parts of the Kingdom shall apply, and fishery and coastal shipping in

Either Contracting Party shall accord in its ports to the vessels flying the flag of the other Contracting Party the same treatment as it accords to its own vessels. This provision applies to custom formalities, the collection of taxes, port fees and port charges, the free entry into ports, the assignment of berths, facilities for loading and unloading, and to all other facilities accorded to shipping and to economic activities in connection with vessels, their crews, their passengers and the cargoes they carry.

Article VI.

Nationals of either Contracting Party engaged in any economic activity shall not be subject to the payment of heavier taxes, fees or charges by the other Contracting Party than those borne by nationals of that Contracting Party.

Nationals of either Contracting Party engaged in any economic activity and subject to the payment of taxes, fees or charges shall be accorded the same treatment in respect of deductions and exemptions as is given to nationals of the latter Contracting Party.

Article VII.

Nationals of either Contracting Party shall, as regards the protection of industrial property, enjoy in the territory of the other Contracting Party a protection not less favourable than enjoyed by the own nationals, without prejudice to the rights already provided by international conventions in the field of industrial property.

Article VIII.

Either Contracting Party undertakes with regard to the other Contracting Party to facilitate, to the extent permitted by its legislation:

- a) the holding in its territory of economic and commercial exhibitions and displays;
- b) the importation into its territory of professional equipment and of material and equipment intended for technical work on behalf of governmental bodies or private enterprises and the re-exportation thereof.

Article IX.

(1) Each Contracting Party shall ensure fair and equitable treatment to the investments, goods, rights and interests of nationals of the other Contracting Party and shall not impair the management, maintenance, use, enjoyment or disposal thereof by those nationals, by unjustified or discriminatory measures.

(2) More particularly, each Contracting Party shall accord to such investments, goods, rights and interests the same security and protection as it accords either to those of its own nationals or to those of third States, whichever is more favourable to the investor.

Article X.

(1) The Contracting Parties recognize the principle of the freedom of transfer of:

- the net profits, interests, dividends, royalties, depreciation of capital assets and other current income, accruing from any economic activity to nationals of the other Contracting Party;
- the proceeds of the total or partial liquidation of any investment made by nationals of the other Contracting Party;
- ~ an appropriate portion of the earnings of nationals of the other Contracting Party who are authorized to work in its territory;
- funds in repayment of loans which the Contracting Parties have recognized as investments to the country of residence of these nationals and in the currency thereof.

(2) Any authorization to transfer shall be issued, and any transfer shall be carried out, without undue restriction and delay, in conformity with the most favourable relevant rules in force in the territory of the Contracting Party concerned.

Article XI.

Neither Contracting Party shall take any measures depriving, directly or indirectly, nationals of the other Contracting Party of their investments, goods, rights or interests unless the following conditions are complied with:

- a) the measures are taken in the public interest and under due process of law;
- b) the measures are not discriminatory or contrary to any undertaking which the former Contracting Party may have given;
- c) the measures are accompanied by provision for the payment of just compensation. Such compensation shall represent the genuine value of the investments, goods, rights or interests affected, shall be paid without undue delay and shall be transferable to the extent necessary to make it effective for the nationals entitled thereto.

Article XII.

The Contracting Party in the territory of which an investment approved by it has been made, in respect of which investment the other Contracting Party or a national thereof has granted any financial security against non-commercial risks, recognizes the subrogation of the grantor of that security into the rights of the investor as to damages if payment has been made under that security, and to the extent of that payment.

Article XIII.

The present Agreement shall apply to all investments made in the territory of the one Contracting Party by a national of the other Contracting Party irrespective whether they were made before or after the date of the entry into force of the present Agreement.

Similarly, the present Agreement shall apply to all goods, rights and interests irrespective whether they were acquired before or after the date referred to above.

Article XIV.

(1) Any dispute between the Contracting Parties concerning the interpretation or application of the present Agreement which is not settled in any other way, shall be submitted, at the request of any party to the dispute, to an arbitral tribunal composed of three members. Each party shall appoint one arbitrator and the two arbitrators thus appointed shall together appoint a third arbitrator who is not a national of either party.

(2) If one of the parties fails to appoint its arbitrator and has not proceeded to do so within two months after an invitation from the other party to make such appointment, the arbitrator shall be appointed, at the request of the latter party, by the President of the International Court of Justice.

(3) If the two arbitrators are unable to reach agreement, in the two months following their appointment, on the choice of the third arbitrator, the latter shall be appointed, at the request of either party, by the President of the International Court of Justice.

(4) If, in the cases provided for in the second and third paragraph of this Article, the President of the International Court of Justice is prevented from discharging the said function or is a national of either party, the Vice-President shall make the necessary appointments. If the Vice-President is prevented from discharging the said function or is a national of either party, the oldest member of the Court who is not a national of either party shall make the necessary appointments.

(5) The tribunal shall base its decision on the provisions of the present Clauses in conformity with the principles of law. Before the tribunal gives its decision it may at any stage of the proceedings propose to the parties that the dispute be settled amicably. The foregoing provisions shall not prejudice the power of an arbitral tribunal to decide the dispute ex aequo et bono if the parties so agree.

(6) Unless the parties decide otherwise, the tribunal shall determine its own procedure,

(7) The tribunal shall reach its decision by a majority of votes. Such decision shall be final and binding on the parties to the dispute.

Article XV.

The Contracting Party in the territory of which a national of the other Contracting Party makes or intends to make an investment, shall assent to any demand on the part of such national to submit, for conciliation or arbitration, to the Centre established by the Convention of Washington of 18 March 1965, any dispute that may arise in connection with the investment.

Article XVI.

Termination of the present Agreement shall not affect the validity of contracts concluded, or the validity of financial securities given, within the framework of the present Agreement prior to the date of termination.

Article XVII.

The Contracting Parties agree to establish a Mixed Commission, composed of representatives appointed by their respective governments.

The Mixed Commission shall meet at the request of one of the Contracting Parties, to discuss any matters pertaining to the implementation of the present Agreement and to consider means of promoting their economic cooperation.

The Mixed Commission shall therefore keep under review the development of their economic relations, both in bilateral and multilateral contexts. It shall moreover make recommendations to their respective governments in cases where the objectives of this Agreement might be furthered and a fuller measure of economic cooperation might be obtained.

Article XVIII.

For the purposes of the present Agreement:

a) the term "nationals" includes legal persons established according to the law of a Contracting Party in the territory of that Contracting Party;

b) the term "legal person" includes a legal person established according to the law of one Contracting Party, in the territory of that Contracting Party in respect of which, because of its being controlled by a national of the other Contracting Party, it has been agreed upon by contract that it should be treated, for the purposes of the present Agreement, as a national of the latter Contracting Party.

Article XIX.

Where any matter is governed by both the present Agreement and another international Agreement binding on the Contracting Parties, nothing in this Agreement shall prevent a national of the one Contracting Party from benefiting by the provisions most favourable to him.

Article XX.

The present Agreement shall be ratified and the instruments of ratification shall be exchanged at as soon as possible.

Article XXI.

As regards the Kingdom of the Netherlands, the present Agreement shall apply to the territory of the Kingdom in Europe, to Surinam and to the Netherlands Antilles, unless the instrument of ratification of the Kingdom of the Netherlands provides otherwise.

Article XXII.

(Duration Clause)

IN WITNESS WHEREOF, the undersigned representatives, duly authorized thereto, have signed the present Agreement.

Done at this day of 19....., in in duplicate, in the English language.

For the Government of the Kingdom of the Netherlands:

For the Government of the Republic of :