Decree No. 14 of 2003-121 Moharram 1424 corresponding to 17 March 2003 ratifying the agreement between the Government of the people's Democratic Republic of Algeria and the Government of the Republic of the Sudan on the encouragement and reciprocal protection of investments, signed in Algiers on 8 chaâbane 1422 corresponding to 24 October 2001, p.

The President of the Republic,

The report of the Minister of State, Minister of Foreign Affairs

Having regard to the Constitution, in particular article 77-9 °;

Bearing in mind the Agreement between the Government of the people's Democratic Republic of Algeria and the Government of the Republic of the Sudan on the encouragement and reciprocal protection of investments, signed in Algiers on 8 chaâbane 1422 corresponding to 24 October 2001;

Hereby decrees:

Article 1. - shall be subject to ratification and shall be published in the Official Gazette of the people's Democratic Republic of Algeria and the Agreement between the Government of the people's Democratic Republic of Algeria and the Government of the Republic of the Sudan on the encouragement and reciprocal protection of investments, signed in Algiers on 8 chaâbane 1422 corresponding to 24 October 2001.

Art. 2. - this decision shall be published in the Official Gazette of the people's Democratic Republic of Algeria.

Done at Algiers on 14 Moharram 1424 corresponding to 17 March 2003.

Abdelaziz Bouteflika.

Agreement between the Government of the people's Democratic

Republic of Algeria and the Government of the Republic of the Sudan on the encouragement and reciprocal protection of investments

The Government of the people's Democratic Republic of Algeria and the Government of the Republic of the Sudan, hereinafter referred to as the "" contracting parties;

Convinced of the importance of strengthening the existing cooperation between them;

Desiring to enhance the work of investments in their countries through the establishment of an adequate investment climate for investors and businessmen in both countries to promote the creation and investment projects in order to strengthen economic development in both countries;

Convinced that the promotion and protection of such investments will stimulate the transfers of funds and technology between the two countries in the interest of their economic development;

Have agreed as follows:

Article 1. Definitions

For the purposes of this Convention:

1 - the term refers investor with regard to either Contracting Party:

a) Natural persons having the nationality of that Contracting Party and carrying on investment activity in the territory of the other party, in accordance with the laws and regulations of the latter party.

b) Legal persons who fall under one of the Contracting Parties and investment activity in the territory of the other party, including business companies, public, private and mixed in accordance with the laws and regulations of the latter party.

2 - the term means "" investment funds as assets and rights of any kind, as well as all elements of any kind of assets and any direct or indirect share or kind or services, invested or reinvested in any sector of the economy and regardless of its nature and includes in particular but not limited to the following:

a) The movable and immovable property;

b) The real property rights such as mortgages, debentures and similar rights;

c) The stocks, shares, debentures of companies or debt securities issued by one of the two countries and the transaction is permitted in accordance with the laws and regulations in force in each of them;

d) Intellectual property rights such as the rights printing and distribution, patents, industrial designs, trade marks or models as well as other similar rights recognized by the laws of the two contracting parties;

e) The trade privileges granted under law or contract including those relating to the agriculture, mining, exploration and exploitation of natural resources.

Investments Act must be conducted in accordance with the legislation of the Contracting Party in whose territory the investment has been made.

Any alteration of the form of investment or reinvested does not affect their status as investments within the meaning of this Convention, provided that such change is not contrary to the legislation of the Contracting Party in whose territory the investment has been made.

3 - the term means all amounts yielded returns by an investment and includes in particular though not exclusively,

Profits, dividends, interests and annuities.

4 - The term "" territory means:

For the people's Democratic Republic of Algeria, the term "Algeria" means the's People Democratic Republic of Algeria and

the geographical sense, it means the Territory of the Democratic Republic of Algeria's people, including beyond the territorial sea and the other maritime areas over which the people's Democratic Republic of Algeria has jurisdiction or sovereign rights for the purpose of exploration and exploitation of natural resources, whether living or non-living sea waters above the sea bed and bed subsoil, in accordance with its national legislation and / or in accordance with international law.

For the Republic of the Sudan, the territory of the Republic of the Sudan which is under its sovereignty, including the Islands, the territorial sea, the economic zone and continental shelf and the other maritime areas over which it exercises sovereign rights or jurisdiction in accordance with international law.

Article 2. Investment Promotion

1 - each Contracting Party shall encourage, in accordance with its laws and the provisions of this Convention, the investment by investors of one Contracting Party in the territory of the other contracting party.

2 - it is permitted to investors of either Contracting Party, the appointment of some officials and experts from third countries and to the extent permitted by the laws of the host country. both Contracting Parties shall collect all necessary facilities, including the issuing permits for such persons and their families, in accordance with the laws and regulations of the host country.

3 - Each Contracting Party shall ensure fair and equitable treatment within its territory to investments of investors of the other Contracting Party and which shall be adopted in accordance with its laws and regulations concerning the encouragement of investment. this treatment shall not be less favourable than that accorded to and applied its own nationals to investors or of any third State.

Article 3. Treatment of Investment

1 - each Contracting Party shall accord in its territory to investments of investors of the other contracting party treatment no less favourable than that it accords to its own investors to investors or of any third State.

2 - Each Contracting Party shall accord to investors in its territory of the other contracting party, particularly with regard to the administration of investments or the enjoyment, treatment no less favourable than that accorded to its own investors to investors or of any third State.

3 - this treatment does not extend to the privileges granted by either contracting party to the investors of a third State by virtue of its participation in economic or a customs union or common market or free trade area or its participation in any of these organizations.

4 - The Most-favoured-nation treatment shall not be construed so as to oblige one contracting party to extend to the other Contracting Party the advantages resulting from any existing customs or economic union or to be established in the future or a free trade area or regional economic organization to which one of the contracting parties is or becomes a member. this treatment shall not include privileges extended by the Contracting Parties to the investors of a third State by virtue of a double taxation convention on the reciprocal or other agreements relating to taxation.

Article 4. Expropriation and Nationalization

1 - investments made by investors of one Contracting Party in the territory of the other contracting party, as well as income from such investments, shall enjoy full protection and security.

2 - neither Contracting Party shall take any measures of expropriation or nationalization or any other measures that have the effect of a direct or indirect expropriation of investors of the other contracting party of their investments in its territory, except for a public purpose and provided that such measures are taken in accordance with legal procedures and they are not discriminatory.

If the measures of expropriation was taken, they shall be subject to the payment of adequate and effective compensation. the amounts shall be calculated on the basis of the economic value of the investment concerned and who is assessed in accordance with economic conditions in force on the day before the date on which the measures taken or to be made public.

The amount and terms of payment of such compensation shall be established on the date of expropriation and compensation shall be paid without delay and freely transferable. such compensation shall have until the date of its rules of procedure, shall include interest rate at the official interest of the Contracting Party in whose territory the investment has been made.

3 - the investors of one Contracting Party whose investments have suffered losses resulting from a war or other armed conflict, revolution, state of emergency or national revolution in the territory of the other Contracting Party, shall be accorded by the latter treatment no less favourable than that accorded to its own investors or to those of the most favoured nation.

Article 5. Transfers

Each Contracting Party in whose territory the

Investments have been made by investors of the other contracting party, the investor shall, after the payment of all fiscal obligations, the free transfer of:

a) Investment income set out in article 1, paragraph (3) of this Convention;

b) The payment of instalments loans and interests, entered into by the investor in agreement with the Host Country in foreign currency in the financing of investment where their expansion;

c) The proceeds of the sale of or the partial or total liquidation of the investment income, including capital invested capital;

d) Compensation arising from the expropriation or loss of property mentioned in article (4) (2) and (3);

e) The earnings of nationals of either Contracting Party or workers other than those nationals who are authorised to work in the territory of the other contracting party in connection with an investment approved in accordance with the laws and regulations in force in the host country of the investment.

The transfers referred to in the preceding paragraphs of this article will be made without delay at the rate of exchange in effect on the date of transfer in the host country of the investment.

Article 6. Subrogation

1 if one contracting party or one of its organs for national makes a payment to one of its investors in the country of the other party, by virtue of a guarantee individually or in association with the Arab Investment Guarantee or with another party against the risks referred to in article (4) of this Convention, the party which has made the payment replaces the investor of the other contracting party (the host country investment), within the limit of payment that it has done so, that the latter shall not exceed the rights laid down by law for the investor to the host country investment;

This right of subrogation extends to the transfer of rights referred to in article (5) of this Convention, as well as the right to have recourse to dispute settlement under its provisions.

2 - the other contracting party (the host country investment) has the right to claim against the guarantor legally party where the obligations under the terms of an agreement, the investor has received compensation.

Article 7. Other Rules and Specific Obligations

Investments and income mentioned in article (4) of this Convention, enjoy the benefits of the Arab and international multilateral conventions relating to investment and whose

Each Contracting Party is a member and ratified these conventions.

Article 8. Areas of Investment

It shall be permitted to natural and legal persons of each of the Contracting States to invest in the country of the other contracting party in various fields of investment that are offered or permitted by the laws and regulations in force in particular in the fields of industry, agriculture, health, tourism, transport and other. the investment project may not benefit from the protection referred to in this Convention, with the approval of the competent authorities of the host country.

Article 9. Settlement of Disputes between an Investor and a Contracting Party

1 - disputes between an investor and a contracting State of the other Contracting State concerning an investment of the latter in the territory of the State referred to in the first, as far as possible, be settled amicably.

2 - if the dispute has not been resolved within a period of six (6) months from the date of the request of one of the Parties to

the dispute in an amicable settlement by written notification to the other party, the dispute shall be submitted for settlement, at the choice of the investor Party to the dispute, to one of the following procedures:

a) In accordance with any appropriate procedure for the settlement of the dispute, approved in advance;

b) In accordance with the provisions of chapter concerning the settlement of disputes of the Unified Agreement for the Investment of Arab Capital in Arab States of the year 1980 and any amendment to be made;

c) To international arbitration in accordance with the following paragraphs of this article.

3 - In the event that an investor chooses to submit the dispute to international arbitration, it shall also notify his written consent to submit the dispute to one of the following: fora

a) The International Centre for Settlement of Investment Disputes (the Centre), established under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, opened for signature at Washington on 18 March 1965;

b) An arbitral tribunal to be established under the Arbitration Rules (the "") Rules of the United Nations Commission on International Trade Law (UNCITRAL), depending on the amendments to be made to these rules by the parties to the dispute (the party désignante referred to in article 7 of the rules shall be the Secretary General of the Centre);

c) A tribunal who shall be appointed on the basis of special rules

Arbitration to an arbitral tribunal, which will be agreed between the parties to the dispute.

4 - whether or not a national of either Contracting Party elects to submit the claim to one of the fora stipulated in paragraphs (2) and (3) of this article, it is not permitted to submit it to another forum.

5 - notwithstanding that the investor submits the dispute to binding arbitration under paragraph (2) above, it is possible prior to the commencement of the arbitral proceedings or during the procedures to apply to the courts of the Contracting State that is a party to the dispute, to issue a provisional court order to maintain its rights and interests. such action may include a claim for damages and may also influence on arbitration procedures referred to above.

Article 10. Settlement of Disputes between the Contracting Parties

1 - any dispute concerning the interpretation or application of this agreement should, if possible, be settled amicably.

2 - if the dispute has not been settled within six (6) months from the date when it was raised by either contracting party, it shall be submitted at the request of either contracting party to an arbitral body.

3 - the arbitration body shall be constituted in the following manner:

Each Contracting Party shall appoint one arbitrator and these two arbitrators shall designate by common agreement, a national of a third State for the President of the arbitration body. all members shall be appointed within two (2) months from the date of notification by one party to the other party of its intention to submit the dispute to the arbitration body.

4 - where the time limits specified in paragraph (3) above have not been complied with, either contracting party requests the Secretary-General of the League of Arab States to make the necessary appointments.

5 - the arbitration body shall establish its own rules of procedures and interpret its decisions. the two Contracting Parties shall be borne in equal shares the costs of the arbitration proceedings including the arbitrators' fees, unless the court decides otherwise for special considerations.

6 - the arbitration body shall take its decisions by a majority of votes and shall be final and legally binding on both contracting parties. these decisions shall be taken in accordance with the provisions of this Agreement and the principles of international law.

Article 11. Scope of Investments

This Agreement shall apply to investments or to be made

Made by investors of one Contracting Party in the territory of the other contracting party, in accordance with its laws, laws and regulations prior to the entry into force of this Convention. however, this Agreement shall not apply to any dispute that arose before its entry into force.

Article 12. Entry Into Force

A - This Agreement shall enter into force on the date of exchange between the two contracting parties, of the instruments of ratification.

B - This Convention shall remain valid for a period of ten (10) years from the date of its entry into force and shall be tacitly renewed for similar periods unless one of the Contracting Parties notifies in writing to the other contracting party six (6) months prior to the expiry date of its intention to terminate its period.

c) - In the event of expiry of the validity of this Convention, its provisions shall continue to apply for a period of ten (10) years from the date of its termination in respect of investments made during the period of validity of the Convention, taking into account the application of the rules of international law after the expiry of this period.

This agreement has been completed and signed at Algiers on 8 chaâbane 1422 corresponding to 24 October 2001 in two originals in the Arabic language, both texts being equally authentic.

For the Government of For the Government of

The Republic of Algeria of the Republic of the Sudan

Democratic PEOPLE's

Abderrahim Mahmoud

Mourad Medelci Hamdi

Ministry of Finance

Ministry of Finance and National Economy