

CONVENTION BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF HAITI CONCERNING THE PROTECTION OF INVESTMENTS

The Government of the French Republic and the Government of the Republic of Haiti, desirous of promoting the development of French investments in Haiti, have agreed upon the following provisions:

Article 1.

The French Government may, after examination on a case-by-case basis and within the framework of its regulations, grant its guarantee to investments made in the territory of the Republic of Haiti by French nationals, whether natural persons or legal entities.

Article 2.

Such investments shall have obtained the approval of the Haitian Government and shall be subject to special undertakings by the latter in respect of the said nationals, whether natural persons or legal entities.

Article 3.

The investments referred to in Articles 1 and 2 above shall be governed by the terms of the said special undertakings and by the provisions of the present Convention.

Article 4.

If the French State, by virtue of a guarantee given for an investment made on the territory of the Republic of Haiti, makes payments to its own nationals, whether natural or legal persons, it shall thereby be subrogated ipso jure to the rights of such nationals vis-à-vis the Government of Haiti.

Article 5.

Any dispute relating to the interpretation or application of the present Convention which has not been settled within a period of six months through diplomatic channels may, at the request of either Party, be submitted to an arbitral tribunal which shall be constituted in the following manner: Each Party shall appoint an arbitrator within a period of one month from the date of receipt of the request for arbitration. The two arbitrators thus appointed shall choose, within two months of notification by the Party which last appointed its arbitrator, a third arbitrator who shall be a national of a third State. Should one of the Parties fail to appoint an arbitrator within the time limit set, the other Party may request the President of the International Court of Justice to appoint one. The decision of the Arbitral Tribunal shall be final and binding by operation of law. The arbitral tribunal shall determine its own rules of procedure.

Article 6.

The present Convention is concluded for an initial term of ten years. It will remain in force after this term unless one of the two Governments denounces it in writing, giving one year's notice. In the event of denunciation, the present Convention will remain applicable to investments covered by its provisions and made during the period of its validity.

Article 7.

The present Convention will come into force on the day of its signature.

Done at Port-au-Prince, July 2, 1973, in duplicate.

For the Government of the French Republic

O. GUICHARD.

For the Government of the Republic of Haiti:

AD. RAYMOND.