

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

The Government of the Swiss Confederation

And

The Government of the Republic of Madagascar,

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 Madagascar 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 the most favoured nation treatment with respect to tariffs and customs formalities.

However, the most-favoured-nation treatment does not extend to the privileges, exemptions and concessions that each of the High Contracting Parties or accorded will accord.

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

## **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 Madagascar, including those in List M below.

## **Article 4. Import Regime In Madagascar**

The Government of the Republic of Madagascar allows for the importation of products originating in and coming from the Swiss Confederation including those contained in the list attached S, up to the levels 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.

## **Article 5. Business Information**

The competent authorities of both Governments shall communicate to each other in a timely manner all relevant information concerning trade, including the import and export statistics and the use of quotas set out in the Agreement. In particular the Swiss authorities shall provide at least once a year to the Government of Madagascar and the total composition of the Swiss imports of products originating in the Republic of Madagascar. Similarly, the Malagasy authorities shall communicate to the Swiss authorities and the total composition of the Malagasy imports of products originating in the Swiss Confederation.

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 Madagascar, including the settlement of goods traded within the framework of this Agreement, shall be carried out in accordance with the rules in force between the free zone and Switzerland.

## **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 own nationals.

Each Party may, in accordance with its laws and regulations, to decide on the admission of new investment, in which case the protection of the agreement will be provided to those investments from the granting of admission.

All goods already invested in the territory of a party by nationals or companies, foundations, associations of the other party shall enjoy the full protection of this Agreement.

Each Party shall guarantee the 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 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 fixed 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 person entitled thereto, 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. Joint Committee**

The Joint Committee shall meet at the request of either of the two contracting parties. It shall monitor the implementation of this Agreement and all measures should be to enhance economic relations between the two countries.

## **Article 10. 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.

## **Article 11. Entry Into Force and Extension**

This Agreement shall enter into force upon signature and will be valid until 31 December 1965. It shall be renewed on a yearly basis tacitly renewed for a further period of one year unless one or the other Contracting Party has not reported by written notice of three months before its expiration.

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 denunciation, 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 Berne on 17 March 1964.

For the Swiss Government

E. Moser

For the Malagasy Government

J. Rabemananjara

Produits malgaches pouvant être importés en Suisse sans limitation contingentaire dans le cadre de la réglementation en vigueur en Suisse

Cape dry weight Graphite

Dried beans Quartz.

Coffee MICA

Vanilla Essence of cloves

Cinnamon Essential oils

Clove Raw hides or prepared

Ginger Leather tannés

Pepper Rabanes

Cassava starch Sisal

Rice Straw hats

Peanuts Initially headgear

Ricin Gross industrial GARNET

Tapioca Other stones raw fine

Importation de produits suisses dans la République malgache

Number of order Description of goods annual quotas in 1000 en S.

1 Medical, milk and milk sterilized, pasteurised, etc. 50

2 Cheese 86

3 Chemicals and other additives which medicine 45 + S. B. (4)

4 All kinds of textile fabrics of cotton and printed handkerchiefs 100

5 Mechanical and electrical equipment (except equipment which is part of the plan. S. B. (5)

6 Sewing machines for domestic use 55

7 Typewriters and operation 100

8 Photographic apparatus and accessories, gramophones, dictating pickup, engines, sound discs, exchange, etc., of which at least 40 per cent for aircraft (headlamps and cinematographic cameras) 100

9 Rhabillage supplies, including pendulettes watches and clocks and watches to movement 290

10 Various general, including spare parts 400