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Short Draft

C o n v e n t i o n
between
the Government of the Swiss Confederation
and
the Government of

The Government of the Swiss Confederation and the
Government of

Desirous of strengthening the economic co-operation
between both States,

Intending to create favourable conditions for capital
investments in both States and to intensify the co-operation
between private companies of both States in the field of tech-
nical science and of productivity,

Recognizing the need to protect investments by
nationals and companies of both States

Have agreed as follows:

Article 1

- (1) The investment as well as property, rights and interests belonging to nationals, foundations, associations or companies of one of the Contracting Parties in the territory of the other Contracting Party shall be subject to a just and equitable treatment in accordance with international law.
- (2) The treatment shall at least be equal to the one granted by each of the Contracting Parties to its own nationals or to the treatment extended to the nationals, foundations, associations or companies of the most favoured nation, if this is more favourable.

Article 2

Each contracting Party shall be obliged to permit the transfer of the produce of professional and business activities carried out on its own territory by nationals, foundations, associations or companies of the other Contracting Party as well as the transfer of interests, dividends, royalties and other income, of amortization payments and, in case of partial or total liquidation, of the proceeds from such liquidation.

Article 3

- (1) If a Contracting Party expropriates or nationalizes property, rights or interests of nationals, foundations, associations or companies of the other Contracting Party or if it takes any other measure with a view to direct or indirect dispossession of these nationals, foundations, associations or companies, it shall according to international law, provide for the payment of an effective and adequate compensation.

- (2) The measures of expropriation, nationalization or dispossession shall not be discriminatory nor contrary to any specific obligation.

Article 4

The amount of this compensation, which has to be fixed at the time of expropriation, nationalization or dispossession, shall be settled in a transferable currency and paid without undue delay to the persons, foundations, associations or companies entitled to it irrespective of their place of residence or seat.

Article 5

- (1) If a dispute arises between the Contracting Parties as to the interpretation or application of this agreement and if it cannot be settled in a satisfactory way by means of diplomatic negotiations within six months, it shall, upon the request of either Contracting Party, be submitted to an arbitral tribunal consisting of three members.
- (2) Each Contracting Party shall appoint one arbitrator. The two arbitrators so appointed shall nominate a chairman who has to be a national of a third State.
- (3) If either Contracting Party fails to appoint its arbitrator and does not follow the invitation of the other Contracting Party to do so within two months, such arbitrator shall be appointed upon the request of this Contracting Party by the President of the International Court of Justice.
- (4) If, in the cases specified under paragraph 1, the President of the International Court of Justice is prevented from carrying out the said function or if he is a national of either Contracting Party, the appointments shall be made by the oldest member of the Court who is not a national of either Contracting Party.

- (5) Unless the Contracting Parties decide otherwise, the tribunal shall determine its own procedure.
- (6) The decisions of the tribunal shall be binding upon the Contracting Parties.

Article 6

- (1) This Convention shall be ratified. It shall come into force on the date of exchange of the instruments of ratification and shall remain binding for a period of ten years. Unless denounced six months before the expiration of this period, it shall be considered as renewed for a period of two years and so forth.
- (2) In case of official notice as to the termination of the Convention, the provisions of articles 1 - 5 shall continue to be effective for a further period of ten years for investments made before official notice was given.

Done in duplicate in this day of1964,
in German and English both texts being equally authoritative.

For the Government
of

For the Government
of the Swiss Confederation:

1

Agreement between the Government of the Swiss Confederation
and the Government of _____ on trade, protection of
investments and technical co-operation

The Government of the Swiss Confederation and the Government
of _____, desirous of strengthening the existing friendly
relations and developing trade and technical co-operation
between the two countries, have agreed as follows:

Article 1: Treatment of the Most Favoured Nation

The two Contracting Parties agree to grant each other, with re-
gard to customs duties and customs formalities, treatment not
less favourable than that granted to third countries.

However, such Most Favoured Nation Treatment shall not extend
to advantages, concessions and exemptions which the Contracting
Parties grant or will grant

- to neighbouring countries in the border-trade
- to countries participating with this Party in a customs
union, in a customs preference system or in a free trade
area already in existence or which might be established
in the future.

Article 2: Import Policy

With regard to the importation of goods each country shall grant
to the other the same facilities in respect to import liberaliza-
tion or allotting of global import quotas as may be applied to the
products of third countries.

Article 3: Review of Trade

Any review of the exchange of goods and of the trade balance bet-
ween the two countries shall be based on their import statistics.

Article 4: Payments

Payments between Switzerland and shall not be treated less favourably than those between either country and any third country.

Article 5: Protection of Investments

Investments made by as well as property, rights and interests pertaining to nationals, foundations, associations or companies of one of the Contracting Parties in the territory of the Other or held indirectly by such nationals, foundations, associations or companies shall receive just and equitable treatment at least equal to the treatment which is applied by each Party to its own nationals or the treatment granted to nationals, foundations, associations or companies of the most favoured nation, if the latter is more favourable.

Each of the Contracting Parties undertakes to authorize the free transfer of the produce of professional and business activities, on its territory, of the nationals, foundations, associations or companies of the Other, as well as the free transfer of interests, dividends, royalties and other income, of amortizations and, in case of partial or total liquidation, of the product of such liquidation.

If a Contracting Party expropriates or nationalizes property, rights or interests of nationals, foundations, associations or companies of the other Contracting Party or held indirectly by such nationals, foundations, associations or companies, or if it takes any other measure with a view to direct or indirect dispossession of these nationals, foundations, associations or companies, it shall, according to international law, provide for the payment of an effective and adequate compensation. The amount of this compensation, which has to be fixed at the time of expropriation, nationalization or dispossession, shall be settled in a transferable currency and paid without undue delay

to the persons, foundations, associations or companies entitled to it irrespective of their place of residence or seat. The measures of expropriation, nationalization or dispossession shall not, however, be discriminatory nor shall they be contrary to any specific undertaking.

Article 6: Clause of Arbitration regarding the protection of Investments

If a dispute arises between the Contracting Parties as to the interpretation or application of the provisions of Article 5 above and if it cannot be settled in a satisfactory way by means of diplomatic negotiations within six months, it shall, upon the request of either Contracting Party, be submitted to an arbitral tribunal consisting of three members. Each Contracting Party shall appoint one arbitrator. The two arbitrators so appointed shall nominate a chairman who has to be a national of a third State.

If either Contracting Party fails to appoint its arbitrator and does not follow the invitation of the other Contracting Party to do so within two months, such arbitrator shall be appointed upon the request of this Contracting Party by the President of the International Court of Justice.

If both arbitrators cannot agree upon the choice of a chairman within two months following their appointment, such chairman shall, upon the request of either Contracting Party, be appointed by the President of the International Court of Justice.

If, in the cases specified under paragraphs 2 and 3 of this Article, the President of the International Court of Justice is prevented from carrying out the said function or if he is a national of either Contracting Party, the appointments shall be made by the Vice-President. If the Vice-President is prevented from discharging his function or if he is a national of either Contracting Party, the appointments shall be made by the oldest member of the Court who is not a national of either Contracting Party.

Unless the Contracting Parties decide otherwise, the tribunal shall determine its own procedure.

The decisions of the tribunal shall be binding upon the Contracting Parties.

Article 7: Economic and technical co-operation

The Government of the Swiss Confederation and the Government of Malta agree to co-operate and to extend to each other, within their legislation and possibilities, reciprocal aid with a view to developing their countries, in particular in the economic and technical field.

Article 8: Mixed Committee

A mixed committee shall meet at the request of either of the two Contracting Parties in order to review the application of the present Agreement and the possibilities of improving economic relations between the two countries. The mixed committee shall determine its own procedure.

Article 9: Coming into force and renewal

The present Agreement shall be applicable provisionally as from the day of its signature, its coming into force depending on the notification of each Contracting Party to the other that the constitutional prescriptions for the conclusion and entering into force of international agreement have been complied with. It shall hereafter be valid for a period of one year and continue in force from year to year without formal renewal for a new

period of one year, unless and until terminated by either of the two Contracting Parties by three months' advance written notice.

In case of termination of the present Agreement, the provisions of articles 5 and 6 heretofore shall continue to apply for ten years with respect to investments made before the termination of the Agreement.

Done in duplicate in this day of1964,
in French and English both texts being equally authoritative.

For the Government

For the Government
of the Swiss Confederation:

C o n v e n t i o n

between

the Government of the Swiss Confederation

and

the Government of

The Government of the Swiss Confederation and the
Government of

Desirous of strengthening the economic co-operation
between both States,

Intending to create favourable conditions for capital
investments in both States and to intensify the co-operation
between private companies of both States in the field of tech-
nical science and of productivity,

Recognizing the need to protect investments by
nationals and companies of both States and to stimulate the
flow of capital with a view to the economic prosperity of
both States,

Have agreed as follows:

Article 1

- (1) Each Contracting Party shall protect within its territory the property invested in accordance with its legislation by nationals or companies of the other Contracting Party and shall not impair by unreasonable or discriminatory measures the management, maintenance, use, enjoyment, extension and, should it so happen, liquidation of such property. Each Contracting Party shall grant the necessary permits, especially in connection with investments, the settlement and carrying out of contracts of licence and technical assistance, both commercial and administrative, as well as with the activities of experts and other qualified persons of foreign nationality.
- (2) Each Contracting Party shall in particular ensure fair and equitable treatment within its territory to the property of the nationals or companies of the other Contracting Party; this treatment shall be at least equal to that granted by the Party to its own nationals or companies or to the treatment granted to nationals or companies of the most favoured nation if the latter is more favourable.

Article 2

Each Contracting Party in the territory of which investments have been made by nationals or companies of the other Contracting Party shall grant to those nationals or companies the free transfer:

- a) of interests, dividends, benefits and other returns;
- b) of amortisation and contractual repayment;
- c) of amounts assigned to cover expenses relating to the management of the investment;
- d) of additional contributions of capital necessary for the maintenance or development of the investment;

- e) of royalties and other payments deriving from rights of licence and commercial or administrative technical assistance;
- f) of the proceeds of partial or total liquidation of capital, including possible increment values.

Article 3

Neither of the Contracting Parties shall take measures of expropriation, nationalization or dispossession, either direct or indirect, against property belonging to nationals or companies of the other Contracting Party, except under due process of law and provided that provisions be made for effective and adequate compensation in accordance with international law. The amount of compensation, which shall have been fixed at the time of expropriation, nationalization or dispossession, shall be settled in transferable currency and paid without undue delay to the person entitled thereto wherever he may reside.

Article 4

Both Contracting Parties shall cooperate in technical and scientific matters by exchanging knowledge and sending experts; each Contracting Party shall sustain such efforts as are undertaken by the other Contracting Party in relation to vocational training.

Article 5

Provisions more favourable than those of this Convention which have been agreed upon by either of the Contracting Parties with nationals or companies of the other Contracting Party are reserved.

Article 6

For the purpose of this Convention:

- a) "Nationals" are physical persons who, according to the law of each Contracting Party, are considered as citizens of that State.
- b) "Companies" are:
 - (1) with respect of Switzerland, companies, institutions or foundations with legal personality, as well as partnership firms or limited partnerships and other associations without legal personality incorporated under Swiss law or in which Swiss nationals have directly or indirectly a substantial interest;
 - (2) with respect
- c) "Property" includes movable and immovable property, rights, interests and participations of all kinds whether held directly or indirectly.

Article 7

- (1) Disputes as to the interpretation or application of the provisions of this Convention shall be settled by diplomacy.
- (2) If both Contracting Parties cannot reach an agreement, the dispute shall, upon the request of either Contracting Party, be submitted to an arbitral tribunal of three members. Each Contracting Party shall appoint one arbitrator and these two arbitrators shall nominate a chairman who shall be a national of a third State.
- (3) If either Contracting Party has not appointed its arbitrator and has not followed the invitation of the other Contracting Party to make that appointment within two months, the arbitrator shall be appointed upon the request of that Contracting Party by the President of the International Court of Justice.

- (4) If both arbitrators cannot come to an agreement about the choice of the chairman within two months after their appointment, the latter shall be appointed upon the request of either Contracting Party by the President of the International Court of Justice.
- (5) If, in the cases specified under paragraph 3 and 4 of this article, the President of the International Court of Justice is prevented from carrying out the said function or if he is a national of either Contracting Party, the appointment shall be made by the Vice President, and if the latter is prevented or if he is a national of either Contracting Party, the appointment shall be made by the next senior Judge of the Court who is not a national of either Contracting Party.
- (6) Subject to other provisions made by the Contracting Parties, the tribunal shall determine its procedure.
- (7) The decisions of the tribunal are binding for each Contracting Party.

Article 8

- (1) This Convention shall be ratified. It shall come into force on the date of exchange of the instruments of ratification and shall remain binding for a period of five years. Unless denounced six months before the expiration of this period, it shall be considered as renewed for a period of two years and so forth.
- (2) In case of official notice as to the termination of the Convention, the provisions of articles 1 - 7 shall continue to be effective for a further period of ten years for investments made before official notice was given.