

No. 6616

**UNITED STATES OF AMERICA
and
CONGO (BRAZZAVILLE)**

Exchange of notes constituting an agreement relating to investment guaranties. Brazzaville, 26 July and 1 September 1962

Official texts: English and French.

Registered by the United States of America on 16 April 1963.

**ÉTATS-UNIS D'AMÉRIQUE
et
CONGO (BRAZZAVILLE)**

Échange de notes constituant un accord relatif à la garantie des investissements. Brazzaville, 26 juillet et 1^{er} septembre 1962

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 16 avril 1963.

No. 6616. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CONGO (BRAZZAVILLE) RELATING TO INVESTMENT GUARANTIES. BRAZZAVILLE, 26 JULY AND 1 SEPTEMBER 1962

Nº. 6616. ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LA RÉPUBLIQUE DU CONGO (BRAZZAVILLE) RELATIF À LA GARANTIE DES INVESTISSEMENTS. BRAZZAVILLE, 26 JUILLET ET 1^{er} SEPTEMBRE 1962

I

The American Ambassador to the Congolese Vice President of the Republic and Minister of Foreign Affairs

L'Ambassadeur des États-Unis d'Amérique au Vice-Président de la République du Congo et Ministre des affaires étrangères

No. 4

Brazzaville, July 26, 1962

Excellency :

I have the honor to refer to conversations which have recently taken place between representatives of our two Governments relating to investment guaranties which may be issued pursuant to the present Agreement by the Government of the United States of America with respect to investments in the Republic of Congo.

The Government of the United States of America and the Government of the Republic of Congo, in order to facilitate and increase the participation of private enterprise in furthering the development of the economic resources and productive capacities of the Republic of Congo by the issuance of United States Government investment guaranties, agree as follows :

1. The Governments of the United States of America and of the Republic of Congo shall, upon the request of either of them, consult respecting projects in the Republic of Congo with respect to which United States Government investment guaranties have been issued or may be issued pursuant to the present Agreement.

2. The Government of the United States of America shall issue no guaranty pursuant to the present Agreement with respect to any project unless such project has been approved by the Government of the Republic of Congo for guaranty purposes.

3. If the Government of the United States of America makes payment in United States dollars to any investor under a guaranty issued pursuant to the present Agreement,

¹ Came into force on 1 September 1962 by the exchange of the said notes.

¹ Entré en vigueur le 1^{er} septembre 1962 par l'échange desdites notes.

the Government of the Republic of Congo shall recognize the transfer to the Government of the United States of America of any currency, credits, assets, or investment on account of which payment under such guaranty is to be made, and the succession of the Government of the United States of America to any right, title, claim, privilege, or cause of action existing, or which may arise, in connection therewith.

4. Amounts in the lawful currency of the Republic of Congo and credits thereof acquired by the Government of the United States of America pursuant to such guaranties shall be accorded treatment not less favorable than that accorded to funds of private United States nationals deriving from investment activities like those in which the investor has been engaged, and such amounts and credits shall be freely available to the Government of the United States of America to meet its expenditures in the Republic of Congo.

5. Any claim against the Government of the Republic of Congo to which the Government of the United States of America may succeed as a result of any payment under such guaranty, shall be the subject of direct negotiations between the two Governments. If, within a reasonable period, they are unable to settle the claim by agreement, it shall be referred for final and binding determination to a sole arbitrator. Such arbitrator shall be selected by mutual agreement, or, if the Governments are unable within a period of three months to agree upon such selection, the arbitrator shall be one who may be designated by the President of the International Court of Justice at the request of either Government.

6. Investors to whom guaranties against loss due to war, revolution or insurrection have been issued pursuant to the present Agreement shall be accorded by the Government of the Republic of Congo treatment not less favorable than the most favorable treatment accorded, in like circumstances, to nationals of the Republic of Congo or nationals of any other country, with reference to any reimbursement, compensation, indemnification, or any other payment, including the distribution of reparations received from enemy countries, that the Government of the Republic of Congo may make or pay for loss due to war, revolution or insurrection.

Upon receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of the Republic of Congo, the Government of the United States of America will consider that this note and your reply thereto constitute an Agreement between our two Governments on this subject, the Agreement to enter into force on the date of your note in reply.

Please accept, Excellency, the renewed assurances of my very high consideration.

W. Wendell BLANCKÉ

His Excellency Stéphane Tchichelle
Vice President of the Republic and Minister of Foreign Affairs
Brazzaville

celle-ci constitueront un accord entre les deux Gouvernements sur ce sujet, l'accord entrant en vigueur à la date de votre réponse.

Je vous prie d'agréer, Monsieur l'Ambassadeur, l'assurance de ma haute considération.

Abbé F. YOULOU

Monsieur l'Ambassadeur des États-Unis d'Amérique
Brazzaville

[TRANSLATION¹ — TRADUCTION²]

REPUBLIC OF CONGO
UNITY—LABOR—PROGRESS
The President of the Republic

No. 96

Brazzaville, September 1, 1962

Mr. Ambassador :

I have the honor to acknowledge receipt of your note No. 4, dated July 26, 1962, reproduced below, to the terms of which my Government has agreed :

[*See note I*]

Accept, Mr. Ambassador, the assurances of my high consideration.

Abbé F. YOULOU

The Ambassador of the United States of America
Brazzaville

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.