

No. 6876

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**UNITED STATES OF AMERICA  
and  
GABON**

**Exchange of notes constituting an agreement relating to  
investment guaranties. Libreville, 10 April 1963**

*Official texts: English and French.*

*Registered by the United States of America on 12 August 1963.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
GABON**

**Échange de notes constituant un accord relatif aux garanties  
d'investissement. Libreville, 10 avril 1963**

*Textes officiels anglais et français.*

*Enregistré par les États-Unis d'Amérique le 12 août 1963.*

No. 6876. EXCHANGE OF NOTES  
CONSTITUTING AN AGREEMENT<sup>1</sup>  
BETWEEN THE UNITED STATES  
OF AMERICA AND GABON RELAT-  
ING TO INVESTMENT GUARAN-  
TIES. LIBREVILLE, 10 APRIL 1963

N° 6876. ÉCHANGE DE NOTES  
CONSTITUANT UN ACCORD<sup>1</sup> EN-  
TRE LES ÉTATS-UNIS D'AMÉRI-  
QUE ET LE GABON RELATIF AUX  
GARANTIES D'INVESTISSEMENT.  
LIBREVILLE, 10 AVRIL 1963

## I

*The American Ambassador to the Gabonese  
Minister of State for Foreign Affairs*

*L'Ambassadeur des États-Unis d'Amé-  
rique au Ministre d'État chargé des af-  
faires étrangères du Gabon*

Libreville, April 10, 1963

No. 110

Excellency :

I have the honor to refer to conversations which have recently taken place between representatives of our two Governments relating to investments in the Republic of Gabon which further the development of the economic resources and productive capacities of the Republic of Gabon and to guaranties of such investments by the Government of the United States of America. I also have the honor to confirm the following understandings reached as a result of those conversations :

1. The Government of the United States of America and the Government of the Republic of Gabon shall, upon the request of either Government, consult concerning investments in the Republic of Gabon which the Government of the United States of America may guaranty.

2. The Government of the United States of America shall not guaranty an investment in the Republic of Gabon unless the Government of the Republic of Gabon approves the activity to which the investment relates and recognizes that the Government of the United States of America may guaranty such investment.

3. If an investor transfers to the Government of the United States of America pursuant to an investment guaranty, (a) lawful currency, including credits thereof, of the Republic of Gabon, (b) any claims or rights which the investor has or may have arising from the business activities of the investor in the Republic of Gabon or from the events entitling the investor to payment under the investment guaranty, or (c) all or part of the interest of the investor in any property (real or personal, tangible or intangible) within the Republic of Gabon, the Government of the Republic of Gabon shall recognize such transfer as valid and effective.

<sup>1</sup> Came into force on 10 April 1963 by the exchange of the said notes.

<sup>1</sup> Entré en vigueur le 10 avril 1963 par l'échange desdites notes.

4. Lawful currency of the Republic of Gabon, including credits thereof, which is acquired by the Government of the United States of America pursuant to a transfer of currency or from the sale of property transferred under an investment guaranty shall be accorded treatment by the Government of the Republic of Gabon with respect to exchange, repatriation or use thereof, not less favorable than that accorded to funds of nationals of the United States of America derived from activities similar to those in which the investor had been engaged, and such currency may in any event be used by the Government of the United States of America for any of its expenditures in the Republic of Gabon.

5. Any dispute regarding the interpretation or application of the provisions of this Agreement or any claim against the Government of the Republic of Gabon to which the Government of the United States of America may succeed as transferee or which may arise from the events causing payment under an investment guaranty shall, upon the request of either Government, be the subject of negotiations between the two Governments and shall be settled, insofar as possible, in such negotiations. If, within a period of three months after a request for negotiation, the two Governments are unable to settle any such dispute or claim by agreement, the dispute or claim shall be referred upon the initiative of either Government, to a sole arbitrator, selected by mutual agreement, for final and binding determination in light of the applicable principles of international law. If the two Governments are unable to select an arbitrator within a period of three months after indication by either Government of its desire to arbitrate, the President of the International Court of Justice shall, at the request of either Government, designate the arbitrator.

Upon receipt of a note from Your Excellency indicating that the foregoing provisions are acceptable to the Government of the Republic of Gabon, 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.

Accept, Excellency, the renewed assurances of my highest consideration.

Charles F. DARLINGTON

His Excellency Jean-François Ondo  
Minister of State for Foreign Affairs  
Libreville

[TRADUCTION — TRANSLATION]

Libreville, le 10 avril 1963

N° 110

Monsieur le Ministre,

Me référant aux entretiens qui ont eu lieu récemment entre des représentants de nos deux Gouvernements au sujet des investissements effectués dans la République gabonaise qui favorisent la mise en valeur des ressources économiques de la République gabonaise et le développement de sa capacité de production, ainsi qu'au sujet

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

MINISTRY OF FOREIGN AFFAIRS  
REPUBLIC OF GABON  
UNION — LABOR — JUSTICE

Libreville, April 10, 1963

NDL/VF  
4/9/1963

*Agreement relating to investment guaranties*

Mr. Ambassador :

I have the honor to refer to conversations which have recently taken place between representatives of our two Governments relating to investments in the Republic of Gabon which further the development of the economic resources and productive capacity of the Republic of Gabon and to the issuance of guaranties for such investments by the Government of the United States of America. I also have the honor to confirm the following understandings reached as a result of those conversations :

[See note I]

Accept, Mr. Ambassador, the renewed assurance of my very high consideration.

[SEAL] J. F. ONDO  
Minister of State for Foreign Affairs

His Excellency Charles Darlington  
Ambassador of the United States of America  
Libreville

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<sup>1</sup> Translation by the Government of the United States of America.  
<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.