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No. 7877

**UNITED STATES OF AMERICA
and
CENTRAL AFRICAN REPUBLIC**

**Exchange of notes constituting an agreement relating to
investment guaranties. Bangui, 31 December 1964**

Official texts: English and French.

Registered by the United States of America on 10 August 1965.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE CENTRAFRICAINE**

**Échange de notes constituant un accord relatif aux
garanties d'investissement. Bangui, 31 décembre 1964**

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 10 août 1965.

No. 7877. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE CENTRAL AFRICAN REPUBLIC RELATING TO INVESTMENT GUARANTIES. BANGUI, 31 DECEMBER 1964

N° 7877. ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LA RÉPUBLIQUE CENTRAFRICAINE RELATIF AUX GARANTIES D'INVESTISSEMENT. BANGUI, 31 DÉCEMBRE 1964

I

The American Ambassador to the Acting Foreign Minister of the Central African Republic

L'Ambassadeur des États-Unis d'Amérique au Ministre des affaires étrangères par intérim de la République centrafricaine

AMERICAN EMBASSY

No. 37

Bangui, December 31, 1964

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 Central African Republic which further the development of the economic resources and productive capacities of the Central African Republic 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 Central African Republic shall, upon the request of either Government, consult concerning investments in the Central African Republic 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 Central African Republic unless the Government of the Central African Republic 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 Central African Republic, (b) any claims or rights which the investor has or

¹ Came into force on 1 January 1965, the date specified in the note from the Government of the Central African Republic.

¹ Entré en vigueur le 1^{er} janvier 1965, date spécifiée dans la note du Gouvernement de la République centrafricaine.

may have arising from the business activities of the investor in the Central African Republic 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 Central African Republic, the Government of the Central African Republic shall recognize such transfer as valid and effective.

4. Lawful currency of the Central African Republic, 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 Central African Republic 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 Central African Republic.

5. Any dispute regarding the interpretation or application of the provisions of this Agreement or any claim against the Government of the Central African Republic 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 Central African Republic, 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.

Claude G. Ross

His Excellency Jean-Arthur Bandio
Acting Foreign Minister
Ministry of Foreign Affairs
Bangui

après une demande de négociation les deux Gouvernements ne parviennent pas à régler un tel litige ou une telle réclamation par un accord, le litige ou la réclamation seront renvoyés, sur l'initiative de l'un ou de l'autre des Gouvernements, à un arbitre unique, choisi d'un commun accord, pour une décision définitive et obligatoire en fonction des principes de droit international applicables. Si les deux Gouvernements ne parviennent pas à choisir un arbitre dans un délai de trois mois après que l'un ou l'autre des Gouvernements ait manifesté son désir d'avoir recours à l'arbitrage, le Président de la Cour Internationale de Justice nommera l'arbitre, à la requête de l'un ou de l'autre Gouvernement.

Le Ministère des Affaires Étrangères prie l'Ambassade des États-Unis d'Amérique de bien vouloir considérer sa Note susvisée relative aux investissements en République Centrafricaine et la présente réponse comme constitutives d'un Accord entre nos deux Gouvernements à ce sujet, Accord entrant en vigueur à la date du premier Janvier mil neuf cent soixante-cinq.

Le Ministère des Affaires Étrangères saisit cette occasion pour réitérer à l'Ambassade des États-Unis d'Amérique les assurances de sa haute considération.

Bangui, le 31 décembre 1964

(Paraphé) [illisible]

Ambassade des États-Unis d'Amérique
Bangui

[SCEAU]

[TRANSLATION ¹ — TRADUCTION ²]

UNITY — DIGNITY — WORK

CENTRAL AFRICAN REPUBLIC

MINISTRY OF FOREIGN AFFAIRS

Division of Economic and Cultural Cooperation

No. 4931/MAE/CEC-III-G-6

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America at Bangui and refers to the Embassy's note concerning investments in the Central African Republic which may further the development of its economic resources and productive capacities, and to the issue by the Government of the United States of America of guaranties covering such investments.

The Ministry of Foreign Affairs has the honor to confirm to the Embassy the following understandings which are the result of the conversations held recently between representatives of its Government and the Government of the Central African Republic.

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

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

[See note I]

The Ministry of Foreign Affairs requests the Embassy of the United States of America to consider its above-mentioned note, concerning investments in the Central African Republic, and this reply as constituting an Agreement between the two Governments on this subject, the Agreement to enter into force on January 1, 1965.

The Ministry of Foreign Affairs avails itself of this occasion to renew to the Embassy of the United States of America the assurances of its high consideration.

Bangui, December 31, 1964

(*Initialed*) [illegible]

The Embassy of the United States of America
Bangui

[SEAL]