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No. 7944

**UNITED STATES OF AMERICA
and
CHAD**

**Exchange of notes constituting an agreement relating to
investment guaranties. Fort Lamy, 12 May 1965**

Official texts: English and French.

Registered by the United States of America on 24 September 1965.

**ÉTATS-UNIS D'AMÉRIQUE
et
TCHAD**

**Échange de notes constituant un accord relatif aux garanties
d'investissement. Fort-Lamy, 12 mai 1965**

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 24 septembre 1965.

No. 7944. EXCHANGE OF NOTES
CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES
OF AMERICA AND CHAD RELAT-
ING TO INVESTMENT GUARAN-
TIES. FORT LAMY, 12 MAY 1965

N° 7944. ÉCHANGE DE NOTES
CONSTITUANT UN ACCORD¹
ENTRE LES ÉTATS-UNIS D'AMÉ-
RIQUE ET LE TCHAD RELATIF
AUX GARANTIES D'INVESTISSE-
MENT. FORT-LAMY, 12 MAI 1965

*The American Ambassador to the Chadien
Minister of Economics and Transport*

*L'Ambassadeur des États-Unis d'Amé-
rique au Ministre de l'économie et des
transports du Tchad*

I

Fort Lamy, 12 May 1965

No. 94

Excellency :

I have the honor to refer to the conversations and exchange of views which have taken place between representatives of our two governments relating to private American investments in Chad and the granting of guarantees for these investments by the Government of the United States of America. I have also the honor to confirm the following arrangements resulting from these negotiations.

1. The Government of the United States of America and the Government of Chad shall, upon the request of either Government, consult concerning investments in Chad 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 Chad unless the Government of Chad 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 Chad, (b) any claims or rights which the investor has or may have arising from the business activities of the investor in Chad 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 Chad, the Government of Chad shall recognize such transfer as valid and effective.

4. Lawful currency of Chad, 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

¹ Came into force on 12 May 1965 by the exchange of the said notes.

¹ Entré en vigueur le 12 mai 1965 par l'échange desdites notes.

by the Government of Chad 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 Chad.

5. Any dispute regarding the interpretation or application of the provisions of this Agreement or any claim against the Government of Chad 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.

6. The Government of the United States of America will encourage by appropriate measures investments of capital in Chad by nationals and companies of the United States of America. The Government of Chad for its part, will permit these investments in conformity with its legislation and will consider favorably the question of the granting of the necessary authorizations. It will treat these investments in each case, justly and equitably.

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

Brewster H. MORRIS

His Excellency Abdoulaye Lamana
Minister of Economics and Transport
Fort Lamy

[TRADUCTION — TRANSLATION]

Fort-Lamy, le 12 mai 1965

N° 94

Monsieur le Ministre,

Me référant aux entretiens et aux échanges de vue qui ont eu lieu récemment entre les représentants de nos deux Gouvernements au sujet des investissements privés des États-Unis d'Amérique au Tchad et au sujet des garanties que le Gouverne-

[TRANSLATION¹ — TRADUCTION²]

Fort Lamy, May 12, 1965

Excellency :

I have the honor to acknowledge receipt of your Note No. 94 of May 12, 1965, drawn up in the following terms :

[*See note I*]

I have the honor to confirm my Government's agreement to the above-mentioned provisions.

Accept, Excellency, the assurances of my highest consideration.

[SEAL] A. LAMANA

His Excellency Brewster H. Morris
Ambassador of the United States of America
Fort Lamy

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

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