

No. 9053

**NETHERLANDS
and
IVORY COAST**

**Agreement on economic and technical co-operation. Signed
at Abidjan, on 26 April 1965**

Official text: French.

Registered by the Netherlands on 11 April 1968.

**PAYS-BAS
et
CÔTE D'IVOIRE**

**Accord de coopération économique et technique. Signé
à Abidjan, le 26 avril 1965**

Texte officiel français.

Enregistré par les Pays-Bas le 11 avril 1968.

[TRANSLATION — TRADUCTION]

No. 9053. AGREEMENT¹ ON ECONOMIC AND TECHNICAL CO-OPERATION BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE REPUBLIC OF THE IVORY COAST. SIGNED AT ABIDJAN, ON 26 APRIL 1965

The Government of the Kingdom of the Netherlands and the Government of the Republic of the Ivory Coast, being desirous of strengthening their traditional bonds of friendship, and of extending and intensifying their economic relations on the basis of equality and mutual advantage, and with a view to applying the provisions of the Convention of Association between the European Economic Community and the African and Malagasy States associated with that Community, have agreed on the following provisions :

Article 1

1. The Contracting Parties undertake to co-operate and to grant to each other, in accordance with their laws and to the extent of their powers, mutual assistance, with a view to the development of their countries, especially in the economic and technical sphere.

2. On the basis and within the framework of this Agreement, special agreements in the sphere of technical co-operation shall be concluded.

Article 2

1. With a view to achieving the aims set out in this Agreement, the Government of the Kingdom of the Netherlands is prepared to grant Netherlands enterprises which request them authorizations to supply capital goods, payment for which may be made in instalments, to State and private enterprises of the Republic of the Ivory Coast.

2. The Contracting Parties undertake, to the extent of their powers, to promote the establishment of a multilateral system to guarantee private

¹ In an exchange of letters dated at Abidjan on 3 and 9 October 1967, the two parties, having noted that a notification of ratification of the Agreement on the part of the Kingdom of the Netherlands was given to the Embassy of the Ivory Coast in the Netherlands on 10 August 1966 and that the ratification by the President of the Republic of the Ivory Coast was promulgated by a decree of 8 September 1966, mutually agreed, notwithstanding the provisions of articles 13 and 15 (1), to consider 8 September 1966 as the date of entry into force of the Agreement. The exchange of the instruments of ratification took place at The Hague on 6 November 1967.

investments against non-commercial risks. Should it not be deemed feasible to establish such a system within a reasonable period of time, consideration shall be given to the possibility of taking such action on a bilateral basis.

3. The Government of the Republic of the Ivory Coast, for its part, shall furnish the necessary guarantees for the transfer, as they fall due, of sums payable to Netherlands creditors, in accordance with the laws in force in the Republic of the Ivory Coast, or for the repatriation of the capital invested and the dividends accruing therefrom.

Article 3

The investments, property, rights and interests of individuals and bodies corporate having the nationality of one of the Contracting Parties in the territory of the other shall receive fair and non-discriminatory treatment at least equal to the treatment which is applied by each Contracting Party to its own nationals and to nationals of States members of the European Economic Community.

Article 4

Each Contracting Party undertakes to authorize, in exercise of its powers under the regulations issued pursuant to its existing legislation or any other more favourable legislation which may hereafter be promulgated :

- the transfer of net real profits, interest, dividends and amounts owing to individuals or bodies corporate having the nationality of the other Party ;
- the transfer of assets realized from the total or partial liquidation of investments approved by the country in which they are made ;
- the transfer of an adequate part of the earnings of nationals of the other Party who are authorized to exercise their functions in its territory.

Article 5

If one Party expropriates or nationalizes the goods, rights or interests of individuals or bodies corporate having the nationality of the other Party, or takes measures with a view to their direct or indirect dispossession, it shall make provision for the payment of effective and adequate compensation, in accordance with international law.

The amount of such compensation, which must be determined at the time of the expropriation, nationalization or dispossession, shall be awarded without undue delay to the person entitled to it and shall be transferred immediately. However, measures of expropriation, nationalization or dispossession shall not be discriminatory or contrary to a specific undertaking.

Article 6

Each Contracting Party shall extend to nationals and industrial or commercial enterprises of the other Contracting Party in its territory the same treatment accorded to its own nationals and industrial enterprises as regards the award and holding of patent rights, trade marks, trade names, commercial labels and all forms of industrial property.

Article 7

1. Each Contracting Party shall refrain from discriminatory measures which might be prejudicial to the shipping of the other Contracting Party and might adversely affect the choice of flag, contrary to the principles of free competition. The following shall be exceptions to this rule: fishing and coastal shipping in the parts of the Kingdom of the Netherlands outside Europe, whose own laws shall be solely applicable in this matter; the special privileges which the Republic of the Ivory Coast has granted or may grant in respect of certain activities reserved for home-trade shipping, coastal shipping, towing and coastal fishing as provided in the Merchant Marine Code and the Customs Code of the Ivory Coast.

2. Each Contracting Party shall extend to ships in its ports flying the flag of the other Contracting Party the same treatment enjoyed by its own ships. This provision shall apply to customs formalities, the levying of port dues and charges, free access to ports, use of ports, and all facilities accorded to shipping and economic activities in respect of ships, crews, passengers and cargoes. These shall include, in particular, pier anchorage rights and loading and unloading facilities.

Article 8

1. With regard to civil aviation, the Contracting Parties shall take into consideration the importance of allowing the greatest possible freedom to air traffic.

2. The Contracting Parties therefore agree that observance of the provisions of the existing Air Agreement¹ between the two Contracting Parties offers the best means of attaining the objectives set forth in paragraph 1 above.

¹ United Nations, *Treaty Series*, Vol. 499, p. 141.

Article 9

Each Contracting Party shall apply in its territory to nationals and enterprises of the other Contracting Party the same treatment as regards taxes, dues and charges accorded to its own nationals and nationals of other States members of the European Economic Community.

Article 10

Each Contracting Party undertakes to promote and facilitate, in its own territory and within the limits prescribed by its laws, the organization of economic and commercial exhibitions and displays by the other Contracting Party.

Article 11

A Mixed Commission composed of representatives of the two Contracting Parties shall meet at the request of one of the Governments to consider any difficulties to which the application of this Agreement might give rise. It shall be authorized to submit to the Contracting Parties any proposals which might facilitate such application.

Article 12

1. If a dispute between the Contracting Parties arises out of the interpretation or execution of the provisions of this Agreement, and such a dispute cannot be satisfactorily settled within six months (by the Mixed Commission provided for in article 11 of this Agreement), it shall, at the request of either Party, be submitted to an arbitral tribunal consisting of three members. Each Contracting Party shall appoint one arbitrator. The two arbitrators so appointed shall appoint an umpire who shall be a national of a third State.

2. If one Party has not appointed its arbitrator and has not proceeded, in accordance with the invitation of the other Party, to make such an appointment within two months, the arbitrator shall, at the request of the latter Party, be appointed by the President of the International Court of Justice.

3. If the two arbitrators cannot agree on the choice of an umpire within a period of two months following their appointment, the third arbitrator shall, at the request of one of the Parties, be appointed by the President of the International Court of Justice.

4. If the President of the International Court is prevented from acting in the circumstances envisaged in paragraphs 2 and 3 of this article or if he

is a national of either Party, the nominations shall be made by the Vice-President. If the Vice-President is prevented from acting or is a national of either Party, the nominations shall be made by the senior member of the Court who is not a national of either Party.

5. The tribunal shall base its decision on respect for law. Before giving its verdict, it may, in the course of the proceedings, propose an amicable settlement of the dispute to be agreed by the Parties.

6. If the Parties consent, the tribunal shall give its decision *ex aequo et bono*.

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

8. The decisions of the tribunal, which shall be taken by a majority of the arbitrators, shall be binding on the Parties.

Article 13

This Agreement shall be ratified and the instruments of ratification shall be exchanged at The Hague as soon as possible.

Article 14

In the case of the Kingdom of the Netherlands, this Agreement shall apply to the Kingdom in Europe, Surinam and the Netherlands Antilles, unless the instrument of ratification of the Kingdom of the Netherlands otherwise provides.

Article 15

1. This Agreement shall enter into force on the date of the exchange of instruments of ratification.

2. It shall remain in force for a period of one year from the date of its entry into force and shall be regarded as renewed annually by tacit agreement unless it is denounced in writing by one of the Contracting Parties not later than three months before the expiry of its term of validity.

3. If this Agreement is so denounced, contracts already signed and guarantees already furnished on the basis of this Agreement shall remain valid.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed the present Agreement.

DONE in duplicate at Abidjan this twenty-sixth day of April 1965,
in the French language.

For the Government of the Kingdom of the Netherlands :

L. QUARLES VAN UFFORD

For the Government of the Republic of the Ivory Coast :

R. SALLER
