

No. 23176

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**SWEDEN
and
SENEGAL**

**Trade Agreement (with schedules). Signed at Dakar on
24 February 1967**

Authentic text: French.

Registered by Sweden on 11 December 1984.

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**SUÈDE
et
SÉNÉGAL**

**Accord commercial (avec listes). Signé à Dakar le 24 février
1967**

Texte authentique : français.

Enregistré par la Suède le 11 décembre 1984.

[TRANSLATION — TRADUCTION]

TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF SWEDEN AND THE GOVERNMENT OF THE REPUBLIC OF SENEGAL

The Government of the Kingdom of Sweden and the Government of the Republic of Senegal, desiring to strengthen the existing bonds of friendship between the two countries and to develop their trade, have agreed as follows:

Article 1. The Contracting Parties shall grant each other most-favoured-nation treatment in customs matters and in respect of all rules and formalities, dues and special charges connected with the import, export and transit of goods.

Nevertheless, most-favoured-nation treatment shall not apply to:

- (a) Advantages that either of the Contracting Parties accords or may in future accord to contiguous countries in respect of frontier traffic;
- (b) Advantages which Sweden accords or may accord to Denmark, Finland, Iceland, Norway or the European Free Trade Association;
- (c) Advantages which Senegal accords or may accord to States members of the European Economic Community, the African and Mauritian Common Organization, the Organization of African Unity, the Organization of Senegal Riparian States and to members of the Customs Union of West African States;
- (d) Advantages accorded or which may in future be accorded to members of a customs union, free-trade area or similar international agreement in which one of the Contracting Parties takes part.

Article 2. Subject to the general import restrictions decreed by law, goods shall be exchanged between the two Contracting Parties in accordance with schedules A and B annexed to this Agreement. These two schedules shall not be exhaustive.

Article 3. The competent authorities of the Contracting Parties shall, on all appropriate occasions, draw the attention of import-export organizations to trade opportunities which may arise.

Article 4. With the aim of promoting trade between the two countries, each Contracting Party may take part in fairs and exhibitions organized in the territory of the other Party.

Article 5. Each Contracting Party shall, within the framework of its own laws and regulations, waive customs duties on samples of the various goods originating in the other country if they have no commercial value.

Article 6. In accordance with the laws and regulations of each country, the Governments shall mutually agree to suspend customs duties for goods temporarily imported into their countries for trade fairs or exhibitions.

¹ Came into force on 23 February 1968 by an exchange of notes confirming the completion of the constitutional requirements, in accordance with article 14.

Article 7. With a view to encouraging trade, each of the Contracting Parties undertakes to furnish, at the request of the other Party, all relevant information concerning the issuance of import and export licences and the opportunities for supplies and purchase of goods originating in each country, especially those enumerated in schedules A and B annexed hereto.

Article 8. In order to ensure the faithful implementation of the provisions of this Agreement, a Joint Commission shall be established between the two Contracting Parties.

This Commission, which shall meet as often as necessary at the request of one of the Contracting Parties, alternately in the capitals of the two States, shall be composed of representatives of the two Governments. It may propose any measure likely to further the development of reciprocal exchanges. It may, for instance, supplement or modify the schedules annexed to this Agreement. The recommendations or conclusions of the Joint Commission shall be subject to the approval of the two Governments.

Article 9. Each of the Contracting Parties shall refrain from any discriminatory action which would be an obstacle to the participation in international commercial transport of merchant vessels flying the flag of the other Party.

This provision shall not apply to cabotage, which is governed by the laws and regulations in force in each of the two countries.

Article 10. Merchant vessels flying the flag of one of the Contracting Parties and their cargo shall receive, in all matters pertaining to rights and privileges for entry and departure and stays in the ports of the other Contracting Party, the same treatment as the vessels of that Party, or most-favoured-nation treatment.

Article 11. All questions of maritime and shipping insurance concerning commercial traffic between the Contracting Parties shall be settled freely between importers and exporters of the two Parties.

Article 12. Investments, property, rights and interests belonging to nationals, foundations, associations or companies of one of the Contracting Parties in the territory of the other shall receive fair and equitable treatment in accordance with the law of nations and the provisions of the national laws of the Contracting Parties, which shall be at least equal to that accorded by each Party to its nationals, or if it is more favourable, the treatment accorded to the nationals, foundations, associations or companies of the most-favoured nation.

Each Contracting Party shall guarantee the transfer of invested capital and the income therefrom and, in the event of liquidation, of the proceeds thereof, for nationals, foundations, associations or companies of the other Contracting Party.

The nationals, foundations, associations or companies of one of the Contracting Parties may not be deprived of their property in the territory of the other Party for any reason save the public good.

If one Contracting Party expropriates or nationalizes property, rights or interests belonging to nationals, foundations, associations or companies of the other Party or takes any other direct or indirect dispossession measure affecting such nationals, foundations, associations or companies, it shall provide for the payment of adequate and effective compensation, in accordance with the law of nations. Such

compensation, the amount of which shall be fixed at the time of the expropriation, nationalization or dispossession, shall be transferable and shall be paid to the beneficiary, whatever his place of residence, without undue delay. However, expropriation, nationalization or dispossession measures shall be neither discriminatory nor contrary to any specific agreement.

Article 13. If a dispute arises between the Contracting Parties concerning the interpretation or implementation of the provisions of article 12 above and if it cannot be settled satisfactorily through the diplomatic channel within six months, it shall be submitted, on the request of either Party, to a court of arbitration composed of three members. Each Party shall designate one arbitrator. The two arbitrators designated shall appoint a third, who must be a national of a third State, to act as chairman.

If one of the Contracting Parties has not acted within two months on request from the other Party to designate an arbitrator, the latter shall be appointed, on the request of that other Party, by the President of the International Court of Justice.

If the two arbitrators cannot agree on the choice of a chairman within two months of their designation, the latter shall be appointed, on the request of one of the Parties, by the President of the International Court of Justice.

If, in the cases specified in paragraphs 2 and 3 of this article, the President of the International Court of Justice is unable to do so or if he is a national of one of the Parties, the appointments shall be made by the Vice-President. If he is unable to do so or if he is a national of one of the Parties, the appointment shall be made by the oldest member of the Court who is not a national of either Party.

Unless the Contracting Parties decide otherwise, the court shall establish its own rules of procedure. The court of arbitration shall make its award by a majority.

The court's awards shall be binding on the Parties.

Each Contracting Party shall pay the costs arising from the activity of the arbitrator it appoints. Each Party shall pay half the costs arising from the activity of the chairman of the court of arbitration.

Article 14. This Agreement shall enter into force after an exchange of notes confirming that the constitutional requirements have been observed.

It shall be valid for one year and shall be renewed each year by tacit agreement, unless notice has been given three months prior to its expiry.

If it is denounced, the provisions of articles 12 and 13 above shall continue to apply for another 10 years to investments made prior to denunciation.

DONE at Dakar on 24 February 1967 in duplicate in the French language.

For the Government of the Kingdom of Sweden :

BERTIL STÅHL

For the Government of the Republic of Senegal:

D. CABOU

SCHEDULE "A"¹

SWEDISH PRODUCTS FOR EXPORTATION

SCHEDULE "B"¹

SENEGALESE PRODUCTS FOR EXPORTATION

¹ Not published herein in accordance with article 12 (2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations as amended in the last instance by General Assembly resolution 33/141 A of 19 December 1978.