

No. 47522

**Switzerland
and
Lesotho**

Agreement between the Swiss Confederation and the Kingdom of Lesotho on the promotion and reciprocal protection of investments. Sao Paulo, 16 June 2004

Entry into force: *7 May 2010 by notification, in accordance with article 12*

Authentic texts: *English and French*

Registration with the Secretariat of the United Nations: *Switzerland, 21 May 2010*

**Suisse
et
Lesotho**

Accord entre la Confédération suisse et le Royaume du Lesotho concernant la promotion et la protection réciproque des investissements. Sao Paulo, 16 juin 2004

Entrée en vigueur : *7 mai 2010 par notification, conformément à l'article 12*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat des Nations Unies : *Suisse, 21 mai 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

A g r e e m e n t

between

the Swiss Confederation

and

the Kingdom of Lesotho

on the Promotion and Reciprocal Protection

of Investments

Preamble

The Swiss Federal Council and the Government of the Kingdom of Lesotho,

Desiring to intensify economic cooperation to the mutual benefit of both States,

Intending to create and maintain favourable conditions for investments by investors of one Contracting Party in the territory of the other Contracting Party and thus to encourage new business initiatives,

Recognizing the need to promote and protect foreign investments with the aim to foster the economic development and prosperity of both States,

Have agreed as follows:

Article 1

Definitions

For the purpose of this Agreement:

- (1) The term "investor" refers with regard to either Contracting Party to
 - (a) natural persons who, according to the law of that Contracting Party, are considered to be its citizen;
 - (b) legal entities, including companies, corporations, business associations and other organisations, which are constituted or otherwise duly organised under the law of that Contracting Party and have their seat, together with real economic activities, in the territory of the same Contracting Party;
 - (c) legal entities not established under the law of that Contracting Party but effectively controlled by natural persons as defined in (a) above or by legal entities as defined in (b) above.
- (2) The term "investments" shall include every kind of asset, in particular though not exclusively:
 - (a) movable and immovable property as well as any other rights in rem, such as servitudes, mortgages, liens, pledges and usufructs;
 - (b) shares, stock or any other kind of participation in companies;
 - (c) claims to money, including bonds and debentures, or to any performance having an economic value;
 - (d) intellectual property rights, in particular copyrights, patents, utility models, designs, trade marks, trade names, indications of origin, technical process, know-how and goodwill;
 - (e) business concessions conferred by law or under contract, including concessions to search for, cultivate, extract or exploit natural resources.

- (3) The term "returns" means the amounts yielded by an investment and includes in particular profits, interest, capital gains, dividends, royalties and fees.
- (4) The term "territory" refers to the territory of the State concerned as defined by the respective Constitution and other pertinent law.

Article 2

Scope of application

The present Agreement shall apply to investments in the territory of one Contracting Party made in accordance with its laws and regulations by investors of the other Contracting Party, whether prior to or after the entry into force of the Agreement. It shall however not be applicable to claims or disputes arising out of events which occurred prior to its entry into force.

Article 3

Promotion, admission

- (1) Each Contracting Party shall create and maintain stable, equitable, favourable and transparent conditions for investments to be made in its territory by investors of the other Contracting Party. Each Contracting Party shall in its territory promote as far as possible investments by investors of the other Contracting Party and admit such investments in accordance with its laws and regulations.
- (2) When a Contracting Party has admitted an investment, it shall provide, in accordance with its laws and regulations, all necessary permits in connection with such investment including permits for the carrying out of licensing agreements and contracts for technical, commercial or administrative assistance as well as authorisations required for the activities of managerial and technical personnel of the investor's choice.
- (3) The Contracting Parties shall, whenever appropriate, consult among themselves concerning their investment frameworks and the investment opportunities of various sectors of their economies.