

**No. 50807**

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**United States of America  
and  
Mozambique**

**Treaty between the United States of America and the Republic of Mozambique concerning the encouragement and reciprocal protection of investment (with annex, protocol and exchange of letters). Washington, 1 December 1998**

**Entry into force:** *3 March 2005, in accordance with article XVI*

**Authentic texts:** *English and Portuguese*

**Registration with the Secretariat of the United Nations:** *United States of America, 22 May 2013*

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**États-Unis d'Amérique  
et  
Mozambique**

**Traité entre les États-Unis d'Amérique et la République du Mozambique relatif à l'encouragement et à la protection réciproque des investissements (avec annexe, protocole et échange de lettres). Washington, 1<sup>er</sup> décembre 1998**

**Entrée en vigueur :** *3 mars 2005, conformément à l'article XVI*

**Textes authentiques :** *anglais et portugais*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *États-Unis d'Amérique, 22 mai 2013*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**TREATY BETWEEN  
THE UNITED STATES OF AMERICA AND  
THE REPUBLIC OF MOZAMBIQUE  
CONCERNING THE ENCOURAGEMENT  
AND RECIPROCAL PROTECTION OF INVESTMENT**

**The United States of America and the Republic of Mozambique (hereinafter the "Parties");**

**Desiring to promote greater economic cooperation between them, with respect to investment by nationals and companies of one Party in the territory of the other Party;**

**Recognizing that agreement upon the treatment to be accorded such investment will stimulate the flow of private capital and the economic development of the Parties;**

**Agreeing that a stable framework for investment will maximize effective utilization of economic resources and improve living standards;**

**Recognizing that the development of economic and business ties can promote respect for internationally recognized worker rights;**

**Agreeing that these objectives can be achieved without relaxing health, safety and environmental measures of general application; and**

**Having resolved to conclude a Treaty concerning the encouragement and reciprocal protection of investment;**

**Have agreed as follows:**

## ARTICLE I

**For the purposes of this Treaty,**

- (a) "company" means any entity constituted or organized under applicable law, whether or not for profit, and whether privately or governmentally owned or controlled, and includes a corporation, trust, partnership, sole proprietorship, branch, joint venture, association, or other organization;**
- (b) "company of a Party" means a company constituted or organized under the laws of that Party;**
- (c) "national" of a Party means a natural person who is a national of that Party under its applicable law;**
- (d) "investment" of a national or company means every kind of investment owned or controlled directly or indirectly by that national or company, and includes investment consisting or taking the form of:**
  - (i) a company;**
  - (ii) shares, stock, and other forms of equity participation, and bonds, debentures, and other forms of debt interests, in a company;**
  - (iii) contractual rights, such as under turnkey, construction or management contracts, production or revenue-sharing contracts, concessions, or other similar contracts;**
  - (iv) tangible property, including real property; and intangible property, including rights, such as leases, mortgages, liens and pledges;**
  - (v) intellectual property, including:**
    - copyrights and related rights,**
    - patents,**
    - rights in plant varieties,**
    - industrial designs,**

rights in semiconductor layout designs,  
trade secrets, including know-how and confidential business information,  
trade and service marks, and  
trade names; and

- (vi) rights conferred pursuant to law, such as licenses and permits;
- (e) "covered investment under this treaty" means an investment of a national or company of a Party in the territory of the other Party;
- (f) "state enterprise" means a company owned, or controlled through ownership interests, by a Party;
- (g) "investment authorization" means an authorization granted by the foreign investment authority of a Party to a covered investment under this treaty or a national or company of the other Party;
- (h) "investment agreement" means a written agreement between the national authorities of a Party and a covered investment under this treaty or a national or company of the other Party that (i) grants rights with respect to natural resources or other assets controlled by the national authorities and (ii) the investment, national or company relies upon in establishing or acquiring a covered investment under this treaty;
- (i) "ICSID Convention" means the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, done at Washington, March 18, 1965;
- (j) "Centre" means the International Centre for Settlement of Investment Disputes Established by the ICSID Convention; and
- (k) "UNCITRAL Arbitration Rules" means the arbitration rules of the United Nations Commission on International Trade Law.

## ARTICLE II

1. With respect to the establishment, acquisition, expansion, management, conduct, operation and sale or other disposition of covered investment under this treaty, each Party shall accord treatment no less favorable than that it accords, in like situations, to investments in its territory of its own nationals or companies (hereinafter "national treatment") or to investments in its territory of nationals or companies of a third country (hereinafter "most favored nation treatment"), whichever is most favorable (hereinafter "national and most favored nation treatment"). Each Party shall ensure that its state enterprises, in the provision of their goods or services, accord national and most favored nation treatment to covered investment under this treaty.

2. (a) A Party may adopt or maintain exceptions to the obligations of paragraph 1 in the sectors or with respect to the matters specified in the Annex to this Treaty. In adopting such an exception, a Party may not require the divestment, in whole or in part, of covered investment under this treaty existing at the time the exception becomes effective.

(b) The obligations of paragraph 1 do not apply to procedures provided in multilateral agreements concluded under the auspices of the World Intellectual Property Organization relating to the acquisition or maintenance of intellectual property rights.

3. (a) Each Party shall at all times accord to covered investment under this treaty fair and equitable treatment and full protection and security, and shall in no case accord treatment less favorable than that required by international law.

(b) Neither Party shall in any way impair by unreasonable and discriminatory measures the management, conduct, operation, and sale or other disposition of covered investment under this treaty.

4. Each Party shall provide effective means of asserting claims and enforcing rights with respect to covered investment under this treaty.

5. Each Party shall ensure that its laws, regulations, administrative practices and procedures of general application, and adjudicatory decisions, that pertain to or affect covered investment under this treaty are promptly published or otherwise made publicly available.