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**Japan
and
Mozambique**

Agreement between the Government of Japan and the Government of the Republic of Mozambique on the reciprocal liberalisation, promotion and protection of investment (with annexes). Yokohama, 1 June 2013

Entry into force: *29 August 2014, in accordance with article 27*

Authentic texts: *English, Japanese and Portuguese*

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**Japon
et
Mozambique**

Accord entre le Gouvernement du Japon et le Gouvernement de la République du Mozambique relatif à la libéralisation réciproque, la promotion et la protection des investissements (avec annexes). Yokohama, 1^{er} juin 2013

Entrée en vigueur : *29 août 2014, conformément à l'article 27*

Textes authentiques : *anglais, japonais et portugais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN
THE GOVERNMENT OF JAPAN AND
THE GOVERNMENT OF THE REPUBLIC OF MOZAMBIQUE
ON THE RECIPROCAL LIBERALISATION,
PROMOTION AND PROTECTION OF INVESTMENT

The Government of Japan and the Government of the
Republic of Mozambique,

Desiring to further promote investment in order to
strengthen the economic relationship between Japan and the
Republic of Mozambique (hereinafter referred to as "the
Contracting Parties");

Intending to further create stable, equitable,
favourable and transparent conditions for greater
investment by investors of one Contracting Party in the
Area of the other Contracting Party;

Recognising that agreement upon the treatment to be
accorded to such investment will stimulate the flow of
private capital and the economic relations between the
Contracting Parties;

Recognising the growing importance of the progressive
liberalisation of investment for stimulating initiative of
investors and for promoting prosperity in the Contracting
Parties;

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

Recognising the importance of the cooperative
relationship between labour and management in promoting
investment between the Contracting Parties; and

Having resolved to conclude an Agreement concerning
the reciprocal liberalisation, promotion and protection of
investment;

Have agreed as follows:

Article 1
Definitions

For the purposes of this Agreement,

- (a) the term "investment" means every kind of asset
owned or controlled, directly or indirectly, by
an investor, including:

- (i) an enterprise and a branch of an enterprise;
- (ii) shares, stocks or other forms of equity participation in an enterprise, including rights derived therefrom;
- (iii) bonds, debentures, loans and other forms of debt, including rights derived therefrom;
- (iv) rights under contracts, including turnkey, construction, management, production or revenue-sharing contracts;
- (v) claims to money and to any performance under contract having a financial value;
- (vi) intellectual property rights, including copyrights and related rights, patent rights and rights relating to utility models, trademarks, industrial designs, layout-designs of integrated circuits, new varieties of plants, trade names, indications of source or geographical indications and undisclosed information;
- (vii) rights conferred pursuant to laws and regulations or contracts such as concessions, licences, authorisations and permits, including those for the exploration, prospect, exploitation and extraction of natural resources; and
- (viii) any other tangible and intangible, movable and immovable property, and any related property rights, such as leases, mortgages, liens and pledges;

Investments include the amounts yielded by investments, in particular, profit, interest, capital gains, dividends, royalties and fees. A change in the form in which assets are invested does not affect their character as an investment.

- (b) the term "investor of a Contracting Party" means:
 - (i) a natural person having the nationality of that Contracting Party in accordance with its applicable laws and regulations; or

- (ii) an enterprise of that Contracting Party,
that seeks to make, is making or has made
investments in the Area of the other Contracting
Party;
- (c) an enterprise is:
 - (i) "owned" by an investor if more than fifty
(50) percent of the equity interest in it is
owned by the investor; and
 - (ii) "controlled" by an investor if the investor
has the power to name a majority of its
directors or otherwise to legally direct its
actions;
- (d) the term "enterprise of a Contracting Party"
means any legal person or any other entity duly
constituted or organised under the applicable
laws and regulations of that Contracting Party,
whether or not for profit, and whether private or
government owned or controlled, including any
corporation, trust, partnership, sole
proprietorship, joint venture, association,
organisation or company;
- (e) the term "investment activities" means
establishment, acquisition, expansion, operation,
management, maintenance, use, enjoyment and sale
or other disposal of investments;
- (f) the term "Area" means with respect to a
Contracting Party (i) the territory of that
Contracting Party; and (ii) the exclusive
economic zone and the continental shelf with
respect to which that Contracting Party exercises
sovereign rights or jurisdiction in accordance
with international law;
- (g) the term "existing" means being in effect on the
date of entry into force of this Agreement;
- (h) the term "freely usable currency" means freely
usable currency as defined under the Articles of
Agreement of the International Monetary Fund; and
- (i) the term "the WTO Agreement" means the Marrakesh
Agreement Establishing the World Trade
Organization, done at Marrakesh, April 15, 1994.

Article 2
National Treatment

1. Each Contracting Party shall in its Area accord to investors of the other Contracting Party and to their investments treatment no less favourable than the treatment it accords in like circumstances to its own investors and to their investments with respect to investment activities.

2. Paragraph 1 shall not be construed to prevent a Contracting Party from adopting or maintaining a measure that prescribes special formalities in connection with investment activities of investors of the other Contracting Party in its Area, provided that such special formalities do not impair the substance of the rights of such investors under this Agreement.

Article 3
Most-Favoured-Nation Treatment

Each Contracting Party shall in its Area accord to investors of the other Contracting Party and to their investments treatment no less favourable than the treatment it accords in like circumstances to investors of a non-Contracting Party and to their investments with respect to investment activities.

Article 4
General Treatment

1. Each Contracting Party shall in its Area accord to investments of investors of the other Contracting Party treatment in accordance with international law, including fair and equitable treatment and full protection and security.

2. Each Contracting Party shall observe any obligation it may have entered into with regard to investments and investment activities of investors of the other Contracting Party.

Article 5
Access to the Courts of Justice

Each Contracting Party shall in its Area accord to investors of the other Contracting Party treatment no less favourable than the treatment which it accords in like circumstances to its own investors or investors of a non-Contracting Party with respect to access to the courts of justice and administrative tribunals and agencies in all degrees of jurisdiction, both in pursuit and in defence of such investors' rights.