

**No. 55087\***

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**Turkey  
and  
Mauritius**

**Agreement between the Government of the Republic of Turkey and the Government of the Republic of Mauritius concerning the reciprocal promotion and protection of investments. Istanbul, 7 February 2013**

**Entry into force:** *17 March 2018 by notification, in accordance with article 13*

**Authentic texts:** *English and Turkish*

**Registration with the Secretariat of the United Nations:** *Turkey, 26 April 2018*

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**Turquie  
et  
Maurice**

**Accord entre le Gouvernement de la République turque et le Gouvernement de la République de Maurice relatif à la promotion et à la protection réciproque des investissements. Istanbul, 7 février 2013**

**Entrée en vigueur :** *17 mars 2018 par notification, conformément à l'article 13*

**Textes authentiques :** *anglais et turc*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT  
BETWEEN  
THE GOVERNMENT OF  
THE REPUBLIC OF TURKEY  
AND  
THE GOVERNMENT OF  
THE REPUBLIC OF MAURITIUS  
CONCERNING  
THE RECIPROCAL PROMOTION AND  
PROTECTION OF INVESTMENTS**

The Government of the Republic of Turkey and the Government of the Republic of Mauritius, hereinafter referred to as “the Contracting Parties”;

Desiring to promote greater economic cooperation between them, particularly with respect to investment by investors of one Contracting Party in the territory of the other Contracting Party;

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

Agreeing that fair and equitable treatment of investment is desirable in order to maintain a stable framework for investment and maximum effective utilization of economic resources; and

Having resolved to conclude an agreement concerning the reciprocal promotion and protection of investments,

Have agreed as follows:

## **ARTICLE 1 DEFINITIONS**

For the purpose of this Agreement:

1. The term "investment means every kind of asset, connected with business activities, acquired for the purpose of establishing lasting economic relations in the territory of a Contracting Party in conformity with its laws and regulations, and shall include in particular, but not exclusively:
  - (a) movable and immovable property, as well as any other rights such as mortgages, liens, pledges and any other similar rights as defined in conformity with the laws and regulations of the Contracting Party in whose territory the property is situated;
  - (b) reinvested returns, claims to money or any other rights having financial value related to an investment;
  - (c) shares, stocks or any other form of participation in companies;
  - (d) industrial and intellectual property rights such as patents, industrial designs, technical processes, as well as trademarks, goodwill, and know-how;
  - (e) business concessions conferred by law or by contract, including concessions related to natural resources.

provided that such investments are not in the nature of acquisition of shares or voting power less than ten (10) percent of a company through stock exchanges which shall not be covered by this Agreement.

Any change in the form in which assets are or have been invested shall not affect their character as investment as defined in this Agreement provided that such a change shall not contradict the laws and regulations of the hosting Contracting Party.

2. The term "investor" means:
  - (a) natural persons having the nationality of either Contracting Party according to its applicable law; or
  - (b) corporations, firms or business partnerships incorporated or constituted under the law of a Contracting Party and having their headquarters or their effective economic activities in the territory of that Contracting Party,

which have made an investment in the territory of the other Contracting Party.

3. The term "returns" means the amounts yielded by an investment and includes in particular, though not exclusively, profit, interest, capital gains, royalties, fees and dividends.
4. The term "territory" means:
  - (a) with regard to the Republic of Turkey, the land territory, internal waters, the territorial sea and the airspace above them, as well as the maritime areas over which it has sovereign rights or jurisdiction for the purpose of exploration, exploitation and preservation of natural resources whether living or non-living, pursuant to international law.
  - (b) with regard to the Republic of Mauritius, its territories, its land territory, its internal waters, the territorial sea and the airspace above them, and any area beyond the territorial sea, as well as the maritime zones including the sea-bed and subsoil over which it has sovereign rights or jurisdiction for the purpose of exploration, exploitation and preservation of natural resources whether living or non-living, pursuant to its Constitution and international law;

## ARTICLE 2 SCOPE OF APPLICATION

This Agreement shall apply to investments in the territory of one Contracting Party, made in accordance with its national laws and regulations, by investors of the other Contracting Party, whether prior to, or after the entry into force of the present Agreement. However, this Agreement shall not apply to any dispute that has arisen before its entry into force.

## ARTICLE 3 PROMOTION AND PROTECTION OF INVESTMENTS

1. Subject to its laws and regulations, each Contracting Party shall in its territory promote as far as possible investments by investors of the other Contracting Party.
2. Investments of investors of each Contracting Party shall at all times be accorded fair and equitable treatment and full protection and security in the territory of the other Contracting Party. Neither Contracting Party shall in any way impair by unreasonable or discriminatory measures the management, maintenance, use, enjoyment, extension, or disposal of such investments.

#### ARTICLE 4 TREATMENT OF INVESTMENTS

1. Each Contracting Party shall admit in its territory investments on a basis no less favourable than that accorded in like circumstances to investments of investors of any third State, within the framework of its laws and regulations.
2. Each Contracting Party shall accord to these investments, once established, treatment no less favourable than that accorded in like circumstances to investments of its investors or to investments of investors of any third State, whichever is the most favourable.
3. Subject to the laws and regulations of the Contracting Parties relating to the entry, sojourn and employment of aliens:
  - (a) nationals of either Contracting Party shall be permitted to enter and remain in the territory of the other Contracting Party for purposes of establishing, developing, administering or advising on the operation of an investment to which they, or an investor of the first Contracting Party that employs them, have committed or are in the process of committing a substantial amount of capital or other resources;
  - (b) companies which are legally constituted under the applicable laws and regulations of one Contracting Party, and which are investments of investors of the other Contracting Party, shall be permitted to engage top managerial and technical personnel of their choice, regardless of nationality.
4.
  - (a) The provisions of this Article shall not be construed so as to oblige one Contracting Party to extend to the investors of the other Contracting Party the benefit of any treatment, preference or privilege which may be extended by the former Contracting Party by virtue of any international agreement or arrangement relating wholly or mainly to taxation.
  - (b) The non-discrimination, national treatment and most-favoured-nation treatment provisions of this Agreement shall not apply to all actual or future advantages accorded by either Contracting Party, by virtue of its membership to, or association with, a customs, economic or monetary union, a common market or a free trade area, to nationals or companies of its own, of Member States of such union, common market or free trade area, or of any other third country.
  - (c) The most-favoured-nation treatment referred to in this Article does not include investor-to-state dispute settlement procedures provided for in other international investment treaties.
  - (d) The provisions of Articles 3 and 4 of this Agreement shall not oblige either Contracting Party to accord investments of investors of the other Contracting Party the same treatment that it accords to investments of its own investors with regard to acquisition of land, real estates, and real rights upon them.