

**No. 11720**

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**FRANCE  
and  
MADAGASCAR**

**Convention on establishment. Signed at Tananarive on 27 June 1960**

*Authentic text : French.*

*Registered by France on 19 April 1972.*

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**FRANCE  
et  
MADAGASCAR**

**Convention d'établissement. Signée à Tananarive le 27 juin 1960**

*Texte authentique : français.*

*Enregistrée par la France le 19 avril 1972.*

[TRANSLATION — TRADUCTION]

## CONVENTION ON ESTABLISHMENT<sup>1</sup> BETWEEN THE FRENCH REPUBLIC AND THE MALAGASY REPUBLIC

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The Government of the French Republic and the Government of the Malagasy Republic,

Desiring to ensure that their respective nationals enjoy in the territory of the other State, in addition to the fundamental rights guaranteed by the Multilateral Agreement of 27 June 1960, a status in keeping with the spirit governing their mutual relations, consistent with the friendship uniting the two countries and of such a nature as to promote relations between the two peoples,

Have agreed on the following provisions :

### *Article 1*

Without prejudice to any conventions heretofore or hereafter concluded between the Contracting Parties, nationals of either Party shall have access to public employment in the other State under the conditions laid down by the law State.

### *Article 2*

For the purpose of establishing a business, an enterprise or an industrial, commercial, agricultural or handicraft establishment, engaging in the relevant activities and exercising salaried employment, nationals of either Contracting Party shall be placed on the same footing as nationals of the other Contracting Party.

### *Article 3*

Nationals of either Contracting Party shall be accorded, in the territory of the other Party, the same treatment as is accorded to nationals of that Party in all matters relating to access to and the practice of the professions.

Nevertheless, as an exceptional and temporary measure, access to certain professions in the territory of either Contracting Party may be reserved primarily for nationals of that State in order to permit their social advancement.

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<sup>1</sup> Came into force on 18 July 1960, the date of the last of the communications by which each Contracting Party notified the other of the completion of the procedures required under its Constitution, in accordance with article 15.

*Article 4*

Nationals of either Contracting Party shall be entitled, in the territory of the other Party, to obtain administrative concessions, authorizations and permits and to conclude public contracts under the same conditions as nationals of that Party.

*Article 5*

Nationals of either Contracting Party shall be represented in the territory of the other Party under the same conditions as nationals of that Party in commercial courts and in bodies representing economic interests.

*Article 6*

Nationals of either Contracting Party shall be covered, in the territory of the other Party, by labour legislation, social legislation and social security under the same conditions as nationals of that Party.

A technical agreement shall define the condition governing the application of the above provision as regards social security benefits.

The Contracting Parties undertake not to discriminate between their respective nationals with regard to access to social and health services and centres.

*Article 7*

Nationals of either Contracting Party shall enjoy, in the territory of the other Contracting Party, the same civil rights as nationals of that Party. They shall exercise those rights under the applicable law as determined by the rules governing conflicts of law.

In particular, the personal status of French nationals in the territory of the Malagasy Republic shall be governed by French law, and the personal status of Malagasy nationals in the territory of the French Republic shall be governed by Malagasy law.

*Article 8*

Nationals of either Contracting Party residing in the territory of the other Contracting Party may take part in trade union activities and join trade and professional associations under the same conditions as nationals of that Party.

The length of the residence requirement shall be determined by each State.

*Article 9*

Nationals of either Contracting Party shall not be liable, in the territory of the other Contracting Party, to duties, taxes or contributions of any description whatsoever which are other or higher than those levied on nationals of that Party.

The Contracting Parties shall agree, as necessary, on measures to curb tax evasion and avoid double taxation.

*Article 10*

In the event that the Government of either Contracting Party should propose to expel a national of the other Contracting Party whose activities constitute a threat to law and order or to the reputation of the State, it shall notify the Government of the other Party of its intention. If the latter does not submit any comments within a period of 20 days from the receipt of the notification or if such comments are not entertained, the expulsion may be ordered. The order shall be issued on an individual basis by the head of Government, and the reasons for the action shall be given. The person concerned shall be granted sufficient time to make the arrangements necessitated by his departure.

However, in absolute emergencies recognized as such by a decision accompanied by a statement of reasons an expulsion order having immediate effect may be issued. The Government of the State of which the expelled person is a national shall be notified immediately of the expulsion.

The State carrying out the expulsion shall take all appropriate action to safeguard the property and interests of the expelled person.

*Article 11*

Each Contracting Party undertakes to respect rights acquired in its territory by individuals and bodies corporate which are nationals of the other Party.

French nationals established in the territory of the Malagasy Republic and Malagasy nationals established in the territory of the French Republic on the date of the entry into force of this Convention may continue to exercise their occupations freely under the same conditions as nationals of the State in which they are resident.

Similarly, companies whose head office was in the territory of the Malagasy Republic on 1 January 1960, the majority of whose capital belongs to French nationals and more than half of whose directors or managers are French nationals may, by submitting a declaration to the trade registrar, retain their current status in respect of the rules governing their incorporation, their operation, their liquidation and, generally, the relationship between partners or shareholders.

*Article 12*

Commercial and non-commercial companies constituted under the law of either Contracting Party and having their head office in its territory shall be placed on an equal footing with nationals of that Contracting Party in respect of the enjoyment, in the territory of the other Contracting Party, of all rights specified in this Convention to which a body corporate may be entitled.

The right to establish shipping companies and airlines shall be dealt with in special agreements.

*Article 13*

Non-profit associations legally constituted in the territory of either Contracting Party shall be automatically recognized as bodies corporate by the other Contracting Party. Such associations shall be covered in the territory of the latter Party by the provisions of article 4, paragraphs 1 and 2, of the Multilateral Agreement on the Fundamental Rights of Nationals of States of the Community and by the provisions of article 9, paragraph 1, of this Convention.

*Article 14*

Each Contracting Party guarantees nationals of the other Party the special status defined in this Convention because of the specific nature of the relations existing between the two States. These special provisions may not be extended automatically to nationals of a third State.

In the event that either Contracting Party grants to nationals of a third State a status more favourable than that defined in this Convention, the other Party shall be justified in claiming the same status for its nationals.

*Article 15*

Each Contracting Party shall notify the other of the completion of the procedures required under its Constitution in order to give effect to this Convention, which shall enter into force on the date of the second such notification.

DONE at Tananarive, on 27 June 1960.

For the Government  
of the French Republic :  
J. FOYER

For the Government  
of the Malagasy Republic :  
[P. TSIRANANA]

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