

**No. 16164**

---

**FRANCE  
and  
SENEGAL**

**Convention of establishment (with exchange of letters).  
Signed at Paris on 29 March 1974**

*Authentic text: French.*

*Registered by France on 29 December 1977.*

---

**FRANCE  
et  
SÉNÉGAL**

**Convention d'établissement (avec échange de lettres). Signée  
à Paris le 29 mars 1974**

*Texte authentique : français.*

*Enregistrée par la France le 29 décembre 1977.*

[TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> OF ESTABLISHMENT BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF SENEGAL

The Government of the French Republic, on the one hand,  
The Government of the Republic of Senegal, on the other hand,  
Considering the ties of friendship existing between the two countries,

Desiring to give their respective nationals in the territory of the other State a status in keeping with the relations between the two countries based on reciprocity, equality and mutual respect and mutual interests,

Have agreed on the following provisions:

*Article I.* All nationals of one of the Contracting Parties shall enjoy in the territory of the other Party civil liberties under the same conditions as nationals of that other Party.

These liberties shall be exercised in accordance with the laws in force in the territory of each of the Contracting Parties.

*Article II.* Subject only to agreements between the two Contracting Parties on the movement of persons, the nationals of either Party may enter the territory of the other freely, travel and reside therein in the place of their choice, and leave at any time.

This provision shall not impair the right of each State to take the measures necessary for the maintenance of law and order and the protection of public health and safety.

*Article III.* The nationals of either Contracting Party shall have access to the courts of law of the other Party under the same conditions as the nationals of that Party.

The nationals of either Contracting Party shall enjoy in the territory of the other Party the right to invest capital, to acquire, possess, manage or rent movable and immovable property, rights and interests, and to use and dispose of the same.

*Article IV.* Each of the Contracting Parties shall undertake to accord in its territory just and equitable treatment to the property, rights and interests of nationals of the other Party and to accord them the full protection of the law and of the courts.

*Article V.* Nationals of each of the two Contracting Parties may exercise in the territory of the other Party, commercial, agricultural, industrial and handicraft activities, except when the economic and social situation of that Party justifies a departure from that rule.

The same provision shall apply to the holding of paid employment.

<sup>1</sup> Came into force on 1 September 1976, i.e., the first day of the second month following the date of exchange of the instruments of approval, which took place at Paris on 16 July 1976, in accordance with article XIV.

*Article VI.* Nationals of either Contracting Party shall not be liable in the territory of the other Party to duties, taxes or dues of any description whatsoever, other than or higher than those levied on nationals of that Party in the same situation.

*Article VII.* No national of either Contracting Party may be the object in the territory of the other Party of any arbitrary or discriminatory measure of a kind liable to endanger the property, rights and interests of which he is lawfully possessed in that territory, including in particular those consisting directly or indirectly of a share in the assets of a company or other legal entity.

If the authorities of either Party are called upon to take measures to expropriate or nationalize the property of nationals of the other Party, fair compensation shall be paid in an amount to be determined at the time of the dispossession.

*Article VIII.* When either Contracting Party proposes to expel a national of the other Party whose activity constitutes a threat to law and order or to public safety or public decency, it shall notify the other Party in advance of its intention.

*Article IX.* Each of the Contracting Parties shall recognize fully the legal personality of civil and commercial companies lawfully constituted in the territory of the other Party and having their headquarters there, subject only to their being in conformity with the provisions of the constitution of that Party and to their purpose being consonant with law and order.

*Article X.* The legal persons of each Contracting Party shall have the same status as the natural persons of that Party, as far as any provisions of this Convention that may apply to legal persons are concerned.

*Article XI.* French nationals, whether natural or legal persons, established in Senegalese territory on the date of the entry into force of the present Convention may continue to exercise their activities.

Senegalese nationals, whether natural or legal persons, established in French territory on the date of the entry into force of the present Convention may continue to exercise their activities.

*Article XII.* Any national of the other Party who has been engaged in activities there for at least three months on the date of signature of the present Convention shall be considered to be established in the territory of one of the Parties.

*Article XIII.* Each Party shall reserve the right to accord, should the occasion arise, more favourable treatment to the nationals of a third State that is a neighbour or that belongs to the same regional group or to the same zone of economic or political solidarity as itself.

*Article XIV.* The present Convention shall replace and abrogate the Convention of establishment of 22 June 1960 and in the relations between the two Contracting Parties shall take the place of the multilateral agreement on the fundamental rights of nationals of the States of the Community.

It is concluded for a period of two years, which may be extended by tacit agreement unless it is denounced by either Contracting Party.

Notification of such denunciation shall be made through diplomatic channels at least six months in advance.

The present Convention shall enter into force on the first day of the second month following the exchange of the instruments of approval, which shall take place as soon as possible.

DONE in duplicate in the French language at Paris on 29 March 1974.

For the Government  
of the French Republic:

[Signed]

MICHEL JOBERT  
Minister for Foreign Affairs

For the Government  
of the Republic of Senegal:

[Signed]

ASSANE SECK  
Minister for Foreign Affairs

## EXCHANGE OF LETTERS

### I

Paris, 29 March 1974

Sir,

During the negotiations which resulted in the conclusion of the Convention of establishment of today's date, it was agreed between us that the nationals of each of the Contracting Parties should benefit in the territory of the other Party from labour legislation, social legislation and social security provisions under the same conditions as the nationals of that Party.

I have the honour to propose that this letter and Your Excellency's reply thereto should constitute the agreement between the two Governments on this provision, which shall form an integral part of the said Convention.

Accept, Sir, etc.

[Signed]

JEAN DE LIPKOWSKI  
Secretary of State to the Minister  
for Foreign Affairs of the French Republic

His Excellency Assane Seck  
Minister for Foreign Affairs  
of the Republic of Senegal

### II

Paris, 29 March 1974

Sir,

You addressed to me under today's date a letter which reads as follows:

[See letter I]

I have the honour to confirm my Government's agreement to the foregoing.  
Accept, Sir, etc.

[*Signed*]

ASSANE SECK  
Minister for Foreign Affairs  
of the Republic of Senegal

His Excellency Jean de Lipkowski  
Secretary of State to the Minister for Foreign Affairs  
of the French Republic

---