

No. 19569

**FRANCE
and
NIGER**

Agreement on the movement of persons (with exchange of letters of 27 June 1978). Signed at Niamey on 19 February 1977

Amendment to the above-mentioned Agreement. Signed at Niamey on 19 February 1978

Authentic texts: French.

Registered by France on 20 February 1981.

**FRANCE
et
NIGER**

Convention relative à la circulation des personnes (avec échange de lettres du 27 juin 1978). Signée à Niamey le 19 février 1977

Avenant à la Convention susmentionnée. Signé à Niamey le 19 février 1978

Textes authentiques : français.

Enregistrés par la France le 20 février 1981.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH
REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF
THE NIGER ON THE MOVEMENT OF PERSONS

The Government of the French Republic, on the one hand, and
The Government of the Republic of the Niger, on the other,

Desiring to define and specify the forms of their co-operation under the Treaty on co-operation between the two States² and to establish regulations relating to the movement of persons between the two countries on the basis of reciprocity, equality and mutual respect,

Have agreed on the following provisions:

Article 1. In order to enter the territory of the Republic of the Niger, French nationals, whatever their country of residence, must be in possession of a valid passport and the compulsory vaccination certificates required by the legislation in force in that State. They must also provide a guarantee of repatriation.

Article 2. In order to enter the territory of the French Republic, nationals of the Niger, whatever their country of residence, must be in possession of a valid passport and the compulsory international vaccination certificates required by the legislation in force in that State. They must also provide a guarantee of repatriation.

Article 3. Any of the following three documents shall constitute a guarantee of repatriation:

1. An individual and non-transferable circular or return travel ticket, valid for one year, in respect of transit or stays not exceeding three months;
2. A receipt for a deposit issued by the Deposit and Consignment Office in Paris, in respect of French nationals, and by the Treasury of the Niger, in respect of nationals of the Niger;

The uniform rate for such deposits shall be 150,000 CFA francs for 3,000 French francs and may be altered by an exchange of letters in the event of an appreciable variation in the cost of travel;

3. A statement from a banking establishment approved by the State of origin, guaranteeing the repatriation of the person concerned if he should be unable to bear the cost of repatriation himself.

Article 4. The following persons shall not be required to provide a guarantee of repatriation:

1. Statesmen and Members of Parliament of the two countries;
2. Diplomatic and consular officials and their families;

¹ Came into force on 15 March 1980, i.e., 30 days after the exchange of notification confirming the completion of the required constitutional procedures, in accordance with article 14, with the exception of articles 1 and 2, which were applied in anticipation as of 27 July 1978, in accordance with the exchange of letters of 27 June 1978.

² See p. 87 of this volume.

3. Civilian and military officials, officers and employees of the public institutions of each State and their families who have a mission order or travel warrant;
4. Students and trainees designated by their Government and travelling from one State to the other in order to receive training, who have an official document attesting to their designation issued by their national authorities;
5. Families of students and trainees designated under paragraph 4 above, when they have an official document attesting that they are coming to join the head of the family and that their travel expenses will be paid by their Government;
6. Seamen under the conditions defined in article 11 below.

Article 5. Nationals of each Contracting Party wishing to engage in a professional activity in the territory of the other Party must also, in order to be admitted to the territory of that Party, prove that they are in possession of:

1. A medical certificate issued:

—In respect of entry into France, by the competent French consul, after an examination in the territory of the Niger by a physician approved by the Consul, in agreement with the health authorities of the Niger;

—In respect of entry into the Niger, by the competent Consul of the Niger, after an examination in French territory by a physician approved by the Consul, in agreement with the French health authorities.

Such certificates shall be drawn up within two months preceding the date of departure.

2. Nationals of one of the parties wishing to engage in a paid professional activity in the territory of the other Party must also, in order to be admitted to the territory of that Party, prove that they are in possession of a written contract of employment bearing the stamp of the Ministry of Labour of the host country. The Ministries of Labour of the Contracting Parties may consult one another directly.

Article 6. For any stay in the territory of the Niger to exceed three months, French nationals must be in possession of and present on demand the residence permit or foreign visitor's permit issued by the competent authorities of the Niger.

For any stay in French territory to exceed three months, nationals of the Niger must be in possession of and present on demand the residence permit issued by the competent French authorities.

Article 7. When they are to permit engagement in a paid professional activity, the documents mentioned in the preceding article shall be delivered to the persons concerned on presentation, immediately upon arrival, of the contract of employment specified in article 5 (2) and shall bear the indication "paid-worker". They shall be renewed under the conditions stipulated by the legislation of the State of residence.

Article 8. French nationals wishing to establish themselves in the Niger and nationals of the Niger wishing to establishing themselves in France and to engage in a gainful activity there must, on expiry of the three-month period stipulated in article 6, provide all necessary proof of their means of support.

Article 9. Nationals of one of the Contracting Parties wishing to enter the territory of the other Party to carry out studies there must, in order to be admitted to the territory of that Party when they have not been designated by their Government, be in possession, in addition to the documents specified in articles 1, 2 and 3 of this Agreement, of a certificate issued by the educational institution which they are to attend. Certificates issued by private establishments must bear the stamp of approval of the competent authorities of both Parties.

Article 10. The families of nationals of one of the Contracting Parties wishing to join the head of the family established in the territory of the other Party must, in order to be admitted to the territory of that Party, produce, in addition to the documents stipulated in articles 1, 2 and 3 of this Agreement, a housing certificate stamped by the competent authorities and the medical certificate specified in article 5 (1) of this Agreement.

Article 11. Upon presentation of their professional seaman's book and the required vaccination certificates, seamen of the Niger shall be authorized to enter France and French seamen shall be authorized to enter the Niger if they hold any of the following:

- A certificate of permanent employment in a shipping company,
- A contract of employment in good and due form;
- A letter guaranteeing their immediate embarkation on a particular vessel, issued by a shipping company or a shipowner established in the territory of one of the Contracting Parties.

This requirement may be fulfilled by the issuance of a transportation requisition submitted by the competent shipping authority.

French seamen landing in the Niger and seamen of the Niger landing in France for any reason, except disciplinary or penal reasons, may freely stay in one of the two countries for a period of one month following the date of landing, which shall be duly noted in their professional seaman's book by the competent authority. After this period, or if the date of landing is not noted in the seaman's book, the seaman may be repatriated at any time by the competent authorities of the country of landing, at the expense of the most recent employer.

Article 12. The provisions of the foregoing articles shall not affect the right of the Contracting Parties to take the necessary measures to maintain public order and to protect public health and safety.

Article 13. Nationals of either of the Contracting Parties who were residing in the territory of the other Party on or before 1 January 1977 shall automatically be granted a renewable residence permit valid for a period of not less than three years.

This document must be requested no later than six months from the time this Agreement enters into force.

Article 14. This Agreement rescinds and supersedes the Agreement between France and the Niger of 16 February 1970 on the movement of persons.¹

It is concluded for a period of five years which may be renewed by tacit agreement.

¹ United Nations, *Treaty Series*, vol. 733, p. 303.

It may be denounced at any time by either of the Contracting Parties; notice of denunciation shall be given through the diplomatic channel at least three months in advance.

This Agreement shall enter into force 30 days after the Contracting Parties have notified each other that the constitutional procedures in force in both States have been satisfied.

Either of the Contracting Parties may at any time request the amendment of one or more provisions of this Agreement and the initiation of negotiations to this end.

DONE at Niamey, 19 February 1977.

For the Government
of the French Republic:

[Signed]

His Excellency
Mr. ROBERT GALLEY
Minister of Co-operation

For the Government
of the Republic of Niger:

[Signed]

His Excellency Captain
MOUMOUNI DJERMAKOYE ADAMOU
Minister for Foreign Affairs
and Co-operation

EXCHANGE OF LETTERS

I

27 June 1978

No. 398/AEN

Sir,

As you know, an Agreement on the movement of persons between the Government of the French Republic and the Government of the Niger was signed at Niamey on 19 February 1977. Articles 1 and 2 of this Agreement stipulate that, to travel between the two countries, their nationals must be in possession of a valid passport.

I have the honour, upon the order of my Government, to propose to you that, without waiting for this Agreement to enter into force, the requirement of a valid passport be introduced in advance, beginning on 27 July 1978.

I would be grateful if you would inform me whether this proposal is agreeable to the authorities of the Niger. If so, this letter and your reply will constitute the agreement of our two Governments on this point.

Accept, Sir, etc.

H. COSTILHES
Ambassador of France to the Niger

His Excellency Mr. Moumouni Djermakoye Adamou
Minister of Foreign Affairs and Co-operation
Niamey

II

REPUBLIC OF THE NIGER

Brotherhood-Work-Progress

MINISTER FOR FOREIGN AFFAIRS
AND CO-OPERATION

27 June 1978

Sir,

In your letter of today's date you informed me of the following:

[See letter I]

I have the honour to inform you that the authorities of the Niger approve of this provision.

Accept, Sir, etc.

[Signed]

Battalion Commander

MOUMOUNI DJERMAKOYE ADAMOU

Mr. Ambassador of France to the Niger
Niamey

[TRANSLATION — TRADUCTION]

AMENDMENT¹ TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE NIGER AND THE GOVERNMENT OF THE FRENCH REPUBLIC ON THE MOVEMENT OF PERSONS SIGNED AT NIAMEY ON 19 FEBRUARY 1977

The Government of the Republic of the Niger, on the one hand, and
The Government of the French Republic, on the other,
Have agreed on the following provisions:

Article 1. Article 1 of the Agreement between the Government of the French Republic and the Government of the Republic of the Niger, signed at Niamey on 19 February 1977,² has been amended by the addition of a second paragraph worded as follows:

“If their stay is to exceed three months, they must obtain, prior to their departure, an entrance visa to the Niger issued by the competent Consulate of the Niger.”

Article 2 has been amended by the addition of a second paragraph worded as follows:

“If their stay is to exceed three months, they must obtain, prior to their departure an entrance visa to France issued by the competent Consulate of France.”

Article 2. This amendment shall enter into force at the same time as the Agreement which it modifies and shall remain in force for the same period of time.

DONE at Niamey on 27 June 1978.

For the Government
of the Republic of the Niger:

[MOUMOUNI DJERMAKOYE ADAMOU]

For the Government
of the French Republic:

[H. COSTILHES]

¹ Came into force on 15 March 1980, the date of entry into force of the Agreement of 19 February 1977, in accordance with article 2 of the Amendment.

² See p. 176 of this volume.