

No. 20762

**FRANCE
and
MALI**

Convention of establishment. Signed at Bamako on 11 February 1977

Authentic text: French.

Registered by France on 25 February 1982.

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et
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Convention d'établissement. Signée à Bamako le 11 février 1977

Texte authentique : français.

Enregistrée par la France le 25 février 1982.

[TRANSLATION — TRADUCTION]

CONVENTION¹ OF ESTABLISHMENT BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF MALI

The Government of the French Republic, on the one hand,
The Government of the Republic of Mali, on the other hand,

Desiring to ensure that their respective nationals in the territory of the other State enjoy rights in keeping with the relations between the two countries and inspired by the Universal Declaration of Human Rights,

Have agreed on the following provisions:

Article 1. The nationals of either Contracting Party shall, in the territory of the other Party, enjoy civil liberties under the same conditions as the nationals of that Party.

Such liberties shall be exercised in conformity with the laws of each Contracting Party and shall be subject to reciprocity.

Article 2. The nationals of either Contracting Party may enter the territory of the other Party, travel and reside therein in the place of their choice, and leave at any time, under the conditions provided for by the laws and agreements in force.

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 3. 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 them, under the same conditions as nationals of that Party.

Article 4. (1) Nationals of either Contracting Party shall enjoy in the territory of the other Party full legal and judicial protection for their persons, their property and their other interests.

(2) They shall have access to all courts of law under the conditions provided for in the Agreement on co-operation in the field of justice of 9 March 1962.²

Article 5. For the purpose of establishing a business, an enterprise or an industrial, commercial, agricultural or handicraft establishment, engaging in the corresponding activities or engaging in a profession, nationals of either Contracting Party shall have the same rights as nationals of the other Party, except when the economic and social situation of that Party justifies a departure from that rule.

The conditions governing paid employment shall be laid down in a protocol on the employment and residence of employed persons and their families annexed

¹ Came into force on 5 February 1981 by the exchange of the instruments of ratification and approval, in accordance with article 16.

² United Nations, *Treaty Series*, vol. 1331, p. 35.

to the agreement on the movement of persons¹ and constituting an integral part thereof.

Article 6. Nationals of either Contracting Party residing in the territory of the other Party may be represented by economic and commercial associations under the same conditions as nationals of that Party.

Article 7. Nationals of either Contracting Party shall be entitled to conclude, in the territory of the other Party, public contracts under the same conditions as nationals of that Party.

Article 8. Nationals of each Contracting Party shall, in the territory of the other Party, under the same conditions as nationals of that Party, be covered by all legislation requiring the State or the public authorities to provide compensation for injury to persons or damage to property.

Article 9. Nationals of either Contracting Party shall not be liable in the territory of the other Party for duties, taxes or dues of any description whatsoever, other than or higher than those levied on nationals of that Party in the same tax situation.

The provisions of this article shall apply both to bodies corporate and to individuals.

Article 10. Each Contracting Party undertakes to refrain from taking any arbitrary or discriminatory measure which is of a kind liable to endanger the property, rights or interests lawfully possessed in its territory by nationals of the other Party and to which its own nationals are not subject under the same conditions.

Fair compensation, previously deposited or guaranteed, shall in all cases be paid for any damage to the moveable or immoveable property or interests of nationals of either Contracting Party arising from any measure taken by the other Party.

Article 11. Each Contracting Party undertakes to authorize the nationals of the other Party who definitively leave its territory, voluntarily or involuntarily, after residing therein, to remove their personal effects, equipment and tools of trade, furniture, savings and the fruits of their labour, as well as the proceeds from the sale of their real property, where applicable.

Article 12. Should the Government of either Contracting Party propose to expel a national of the other Party whose activity constitutes a threat to law and order or to the financial standing of the State, it shall notify the Government of the other Party of its intention and of its reasons for such action. If the latter does not submit any comments within a period of 30 days or if these comments are disregarded, the expulsion may be ordered. The order shall be issued on an individual basis in accordance with the legislation in force. The expellee shall be granted sufficient time to make the arrangements necessitated by his departure.

Notwithstanding the provisions of the preceding paragraph, however, an expulsion order of immediate effect may be issued in cases of emergency. The Government of the State of which the expellee is a national shall, however, be

¹ See p. 265 of this volume.

notified immediately of the expulsion and, except where precluded by considerations related to the defence or security of the territory, the reasons for the decision shall be stated.

The expelling State shall take all appropriate action to safeguard the property and interests of the expellee.

The authorities of the State of which the expellee is a national undertake to deliver to him promptly the necessary international travel documents to enable him to leave the territory from which he has been expelled.

Article 13. Each Contracting Party undertakes to respect the rights acquired in its territory by individuals and bodies corporate who/which are nationals of the other Party.

French nationals established in the Republic of Mali and Malian nationals established in the French Republic may continue to reside in the country in question and to pursue their occupation there under the conditions provided for in the agreement on the movement of persons.

Article 14. Bodies corporate which are incorporated in accordance with the legislation of either Contracting Party and have their head office in the territory of that Party shall be treated like nationals of that Party in respect of the enjoyment, in the territory of the other Party, of the rights specified in this Convention to which a body corporate may be entitled.

Article 15. Any dispute arising from the interpretation or application of this Convention shall be settled through the diplomatic channel.

Article 16. Each Contracting Party shall inform the other of the completion of the procedures constitutionally required for the entry into force of this Convention, which shall enter into force on the date of the exchange of the instruments of ratification or approval.

It is concluded for five years from the date of its entry into force and shall be extended for successive one-year periods by tacit agreement unless it is denounced by either Contracting Party. The other Party shall be notified of such denunciation six months in advance.

DONE at Bamako on 11 February 1977.

For the Government
of the French Republic:

[Signed]

ROBERT MAZEYRAC
Ambassador of France to Mali

For the Government
of the Republic of Mali:

[Signed]

Colonel CHARLES SAMBA CISSOKO
Minister for Foreign Affairs
and Co-operation