

No. 21827

**FRANCE
and
CONGO**

**Agreement on the movement of persons. Signed at
Brazzaville on 1 January 1974**

**Supplementary Agreement to the above-mentioned Agree-
ment. Signed at Brazzaville on 17 June 1978**

Authentic texts: French.

Registered by France on 12 April 1983.

**FRANCE
et
CONGO**

**Convention sur la circulation des personnes. Signée à
Brazzaville le 1^{er} janvier 1974**

**Avenant à la Convention susmentionnée. Signé à Brazzaville
le 17 juin 1978**

Textes authentiques : français.

Enregistrés par la France le 12 avril 1983.

[TRANSLATION—TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF THE CONGO ON THE MOVEMENT OF PERSONS

The Government of the French Republic and
The Government of the People's Republic of the Congo,
Desiring to establish, in the common interest, rules relating to the movement of French and Congolese nationals between the two countries,
Have agreed as follows:

Article 1. In order to enter the territory of the People's Republic of the Congo, French nationals, irrespective of 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 the People's Republic of the Congo, and must provide a guarantee of repatriation.

Article 2. In order to enter the territory of the French Republic, nationals of the People's Republic of the Congo, irrespective of 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 France, and must provide a guarantee of repatriation.

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

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

The uniform rate for such deposits shall be set at 120,000 CFA francs or 2,400 French francs and may be altered by exchange of letters between the two Governments in the event of a significant change in the cost of travel;

3. A statement from a banking establishment approved by the State of origin guaranteeing repatriation of the person concerned should he 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. Members of Parliament and statesmen of the two countries;
2. Diplomatic and consular officials;
3. Civilian and military officials, officers and employees of the public institutions of either State, and their families, when they have a mission order or travel warrant;
4. Students and trainees designated by their Governments and travelling to the territory of the other Party to receive training, when they have a certificate of exemption from payment of a deposit issued by the authorities of their State of origin;

¹ Came into force on 1 November 1981, i.e., the first day of the second month following the exchange of the instruments of approval, which took place at Paris on 30 September 1981, in accordance with article 7.

5. Seamen under the conditions stipulated in article 6 of this Agreement.

Article 5. Nationals of either Contracting Party wishing to take up paid employment in the territory of the other Contracting 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, following an examination by a physician approved by the Consul in agreement with the Congolese health authorities; this certificate shall be issued in accordance with the regulations on the admission of workers into France;
- In respect of entry into the People's Republic of the Congo, by the competent Consul of the People's Republic of the Congo, following an examination by a physician approved by the Consul in agreement with the French health authorities; this certificate shall be issued in accordance with the regulations for the admission of workers into the People's Republic of the Congo.

Such certificate shall be drawn up within two months prior to the date of departure.

2. A written contract of employment bearing the stamp of approval of the Ministry of Labour of the host country.

The employer shall submit the contract to the Ministry of Labour for stamping.

The Ministries of Labour of the two Contracting Parties may consult one another directly in implementing the above provisions.

Article 6. Upon presentation of their seaman's employment record and the statutory vaccination certificates, seamen of the People's Republic of the Congo shall be authorized to enter France and French seamen shall be authorized to enter the People's Republic of the Congo if they are in possession of 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 specific vessel, issued by a shipping company or a shipowner established in one of the two States.

This requirement may be met by the issuance of a travel requisition prepared by the competent maritime authority.

Congolese seamen disembarking in France and French seamen disembarking in the People's Republic of the Congo for any reason, other than disciplinary or penal reasons, may stay freely in the State in question for a period of one month from the day of their disembarkation; the date of the latter to be duly noted in their seaman's employment record by the competent authority. Once this period has elapsed, or if the date of disembarkation is not noted in the employment record, the seaman may be repatriated at any time by the competent authorities of the State of disembarkation, the costs of repatriation to be borne by his most recent employer.

Article 7. This Agreement shall be concluded for a period of one year and shall be tacitly renewed unless it is terminated by one of the Contracting Parties.

Notice of termination shall be given through the diplomatic channel at least three months in advance.

This Agreement shall enter into force on the first day of the second month following the exchange of the instruments of approval, which shall take place at Paris as soon as possible.

Either Contracting Party may at any time request the amendment of one or more provisions of this Agreement and the opening of negotiations for that purpose.

DONE at Brazzaville on 1 January 1974, in two original copies in the French language.

For the Government
of the French Republic:

[JEAN-FRANÇOIS DENIAU]

For the Government
of the People's Republic
of the Congo:

[DAVID CHARLES GANAŌ]

[TRANSLATION—TRADUCTION]

SUPPLEMENTARY AGREEMENT¹ TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF THE CONGO ON THE MOVEMENT OF PERSONS²

The Government of the French Republic and
The Government of the People's Republic of the Congo,
Desiring to improve, in their mutual interest, the provisions of the Agreement on the movement of persons concluded on 1 January 1974,²

Have agreed as follows:

Article 1. Article 2 shall be repealed and replaced by the following provisions:

In order to enter the territory of the People's Republic of the Congo, nationals of the French Republic, irrespective of their country of residence, must be in possession of a valid passport, which must contain a visa to enter the Congo when they plan to stay for more than three months, and the compulsory international vaccination certificates required by the legislation in force in the Congo, and must provide a guarantee of repatriation.

In order to enter the territory of the French Republic, nationals of the People's Republic of the Congo, irrespective of their country of residence, must be in possession of a valid passport, which must contain a visa to enter France when they plan to stay for longer than three months, and the compulsory international vaccination certificates required by the legislation in force in France, and must provide a guarantee of repatriation.

Article 2. Article 5 shall be repealed and replaced by the following provisions:

New article 5. Nationals of either Contracting Party wishing to take up employment 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, following an examination in Congolese territory by a physician approved by the Consul in agreement with the Congolese health authorities.
- In respect of entry into the People's Republic of the Congo, by the competent Consul of the People's Republic of the Congo, following 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 prior to the date of departure.

2. Nationals of either Party wishing to take up paid employment in the territory of the other Party must also, in order to be admitted to the territory of that Party,

¹ Came into force on 1 November 1981, i.e., the first day of the second month following the exchange of the instruments of approval, which took place at Paris on 30 September 1981, in accordance with article 5.

² See p. 16 of this volume.

prove that they are in possession of a written contract of employment bearing the stamp of approval of the Ministry of Labour of the host country. The Ministries of Labour of the Contracting Parties may consult one another directly.

Article 3. Five articles, numbered 5 (*bis*), 5 (*ter*), 5 (*quarto*) 5 (*quinquies*) and 5 (*sexto*) respectively, shall be added after article 5.

Article 5 (bis). For any stay in the Congolese territory exceeding three months, French nationals must be in possession of and present on demand a residence permit or alien's identity card issued by the competent Congolese authorities.

For any stay in French territory exceeding three months, Congolese nationals must be in possession and present on demand the resident's permit issued by the competent French authorities.

Article 5 (ter). When they are to permit the person concerned to take up paid employment, the documents mentioned in the preceding article shall be issued to that person upon arrival on presentation of the contract of employment referred to in article 5 (2), and shall bear the indication "paid worker". They shall be renewed on the conditions stipulated by the legislation of the State of residence.

Article 5 (quarto). French nationals wishing to settle in the People's Republic of the Congo and Congolese nationals wishing to settle in France, either in order to engage in an unpaid activity or without engaging in gainful activity, shall within the period of three months stipulated in article 5 (*bis*) provide all necessary proof of their means of support.

Article 5 (quinquies). Nationals of either Contracting Party wishing to enter the territory of the other Party in order to study 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 of a certificate issued by the educational establishment which they are to attend, in addition to the documents stipulated in articles 1, 2 and 3 of this Agreement. Certificates issued by private establishments must bear the stamp of approval of the competent authorities of the two Parties.

Article 5 (sexto). Families of nationals of one of the Contracting Parties wishing to join the head of family who has settled in the territory of the other Party must, in order to be admitted to the territory of that Party, prove that, in addition to the documents stipulated in articles 1, 2 and 3 of this Agreement, they are in possession of a housing certificate issued by the competent authorities of the host country and the medical certificate stipulated in article 5 (1) of this Agreement.

Article 4. Two new articles, numbered 6 (*bis*) and 6 (*ter*) respectively shall be added after article 6.

Article 6 (bis). The provisions of the foregoing articles shall be without prejudice to the right of the Contracting Parties to take the necessary steps to maintain public order and protect public health and safety.

Article 6 (ter). Nationals of either Contracting Party who were residing in the territory of the other Party on or before 1 December 1974 shall automatically be granted a renewable residence permit valid for at least three years.

This document must be requested within six months following the entry into force of this Agreement.

Article 5. This Supplementary Agreement shall be concluded for the same period of time as the Agreement of 1 January 1974 between the Government of the French Republic and the Government of the People's Republic of the Congo on the movement of persons.

It shall enter into force on the first day of the second month following the exchange of the instruments of approval which shall take place at Paris as soon as possible.

If the Agreement is terminated, this Supplementary Agreement shall also cease to have effect on the day on which the Agreement becomes null and void.

DONE at Brazzaville on 17 June 1978, in two original copies in the French language.

For the Government
of the French Republic:

[Signed]

B. DUFOURCQ
Ambassador of France

For the Government
of the People's Republic
of the Congo:

[Signed]

J. B. TATI-LOUTARD
Minister for Culture, Arts and Sports,
For the Minister for Foreign Affairs
and Co-operation
