

No. 21833

**FRANCE
and
CONGO**

**Agreement on the fundamental rights of nationals. Signed
at Brazzaville on 1 January 1974**

Authentic text: French.

Registered by France on 12 April 1983.

**FRANCE
et
CONGO**

**Accord sur les droits fondamentaux des nationaux. Signé à
Brazzaville le 1^{er} janvier 1974**

Texte authentique : français.

Enregistré 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 FUNDAMENTAL RIGHTS OF NATIONALS

The Government of the French Republic and

The Government of the People's Republic of the Congo,

Considering that, in the spirit of the relations between the French Republic and the People's Republic of the Congo, all nationals of one of the States shall enjoy fundamental rights in the territory of the other,

Desiring to define these rights,

Have agreed as follows:

Article 1. All nationals of one of the Contracting Parties shall enjoy in the territory of the other civil liberties under the same conditions as nationals of that State.

Particular guarantees, in accordance with the Universal Declaration of Human Rights, are provided for freedom to engage in cultural, religious, economic, professional and social activities, individual and civil liberties such as freedom of thought, conscience, religion and worship, opinion, expression, assembly and association and trade union freedom.

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

Article 2. Without prejudice to agreements to be concluded 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 3. The nationals of either Contracting Party shall have access to the courts of law of the other Party under the same conditions as nationals of that Party.

The nationals of either Contracting Party shall enjoy in the territory of the other Party, under the same conditions as nationals of that 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 4. 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, to accord them the full protection of the law and of the courts and to ensure that the right thus recognized can be freely exercised.

Article 5. With respect to access to and performance of commercial, agricultural, industrial and handicraft activities, as well as paid employment, the nationals of one of the Contracting Parties shall have the same status as nationals of the other Party, except

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 11.

when the policy of economic and social development of that Party justifies a departure from that rule.

Nationals of one of the Contracting Parties may be authorized in the territory of the other Party to exercise a profession according to the arrangements defined in the legislation of the latter Party.

Article 6. 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 7. 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 his property or interests, including in particular those consisting directly or indirectly of a share in the assets of a company or other legal entity. Such property may not be subjected to expropriation for public purposes or nationalization without payment of fair compensation.

Article 8. 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, it shall notify the other Party in advance of its intention.

Except in cases of absolute urgency, sufficient time shall be granted to the person concerned to permit him to make the necessary arrangements for his departure.

The State which is carrying out the expulsion shall ensure that all appropriate measures are taken to safeguard the property and interests of the person expelled.

Article 9. The legal persons of each Contracting Party shall have the same status as the natural persons of that Party, as far as any of the rights set forth in this Agreement that may apply to legal persons are concerned.

Article 10. Any dispute relating to the interpretation or application of this Agreement which have not been settled in nine months through the diplomatic channels shall be submitted at the request of either Party to an arbitration tribunal which shall be constituted in the following manner:

Each of the Contracting Parties shall designate an arbitrator within one month from the date of the request for arbitration. The two arbitrators thus appointed shall, within two months following the notification by the Party which designated its arbitrator last, choose a third arbitrator who shall be a national of a third State.

In the event that either Contracting Party has not designated an arbitrator by the appointed time, the other Party may request the Secretary-General of the United Nations to designate the arbitrator.

The same procedure shall be followed at the request of either Party if the two arbitrators fail to agree on the choice of the third arbitrator.

Unless the Contracting Parties decide otherwise, the tribunal shall establish its own procedure.

The decisions of the tribunal shall be binding on the Contracting Parties.

Article 11. This Agreement shall replace and abrogate the Convention on establishment of 15 August 1960¹ and, in relations between the two Contracting Parties, shall take the place of the Multilateral Agreement on the fundamental rights of nationals of States of the Community.

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

¹ United Nations, *Treaty Series*, vol. 821, p. 241.

Notification of such denunciation shall be made 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.

Each 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 GANAO]
