

No. 33848

**FRANCE
and
MALI**

Convention on establishment. Signed at Bamako on 26 September 1994

Authentic text: French.

Registered by France on 19 June 1997.

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et
MALI**

Convention d'établissement. Signée à Bamako le 26 septembre 1994

Texte authentique : français.

Enregistrée par la France le 19 juin 1997.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON 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, and

The Government of the Republic of Mali, on the other,

Considering the ties of friendship existing between the two countries,

Desiring to ensure that their respective nationals in the territory of the other State enjoy a status in keeping with the relations between the two countries based on reciprocity, equality and mutual interest, and inspired by the principles set forth in the Universal Declaration of Human Rights,²

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.

In accordance with the principles set forth in the Universal Declaration of Human Rights, the free exercise of cultural, religious, economic, professional and social activities and the individual and civil liberties such as freedom of thought, conscience, religion, opinion, expression, assembly and association and freedom to form or join trade unions shall be specifically guaranteed.

These rights and freedoms shall be exercised in conformity with the laws of each Contracting Party.

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 of the host State and the Agreement on the movement and stay of persons.

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 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 thereof, under the

¹ Came into force on 1 April 1996 by notification, in accordance with article 14.

² United Nations, *Official Records of the General Assembly, Third Session, Part I*, p. 71.

same conditions as the nationals of the other Party, unless urgent reasons of national interest require a departure from that rule.

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 grant them the full protection of the law and of the courts, and to ensure that there shall be no impediment to the exercise of the right thus recognized.

Article 5

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

The nationals of either Contracting Party may be authorized to practise a profession in the territory of the other Party, in the manner specified by the laws of that Party.

The conditions governing paid employment shall be guaranteed by the Protocol on the employment and residence of employed persons¹ and their families annexed to the Agreement on the movement of persons and constituting an integral part thereof.

Article 6

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 his interests, in particular those consisting directly or indirectly of a share in the assets of a company or other legal entity. Such property may be expropriated for public purposes or nationalized only if fair compensation is paid in advance.

Article 7

When either Contracting Party decides to expel a national of the other Party whose presence constitutes a serious threat to law and order, it shall notify the consular authority giving the reasons for that decision.

In the case of other measures to remove a person (escorting to the frontier and banishment from the territory), it shall regularly inform the consular authority of all decisions taken with regard to its nationals.

In all cases, the consular authority shall undertake, if necessary, to carry out, as soon as possible, all the formalities required for the issuance of international travel documents.

The authorities of either Party which has taken measures to remove a national of the other Party, except in the case of an expulsion decreed in an absolute emergency, shall undertake to allow him to notify immediately a lawyer, his Consulate or a person of his choice, in order to ensure the safety of his private property and interests.

¹ See p. 201 of this volume.

In any event, the expulsion or removal must be carried out with respect for the dignity due to any human being and in accordance with the international conventions to which both States are parties and the laws and regulations in force in each State.

Article 8

Each Contracting Party undertakes to authorize the nationals of the other Party who definitively leave its territory, voluntarily or involuntarily, after having resided therein, to remove their personal effect, equipment and tools of trade, furniture, savings and the fruits of their labour, as well as the proceeds from the sale of their immovable property, in conformity with the laws of the host country.

Article 9

Malian nationals who are legally established in the French Republic and French nationals who are legally established in the Republic of Mali 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 and residence of persons and to enjoy the rights that they have acquired under the bilateral conventions in force and in accordance with the laws of the host State.

Article 10

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 individuals 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 11

Any points that have not been covered in this Convention shall be governed by the national legislation of the two States.

Article 12

In the event of any difficulty, the two Governments shall seek a friendly settlement through the diplomatic channel and may convene an *ad hoc* commission should this prove necessary.

At the request of either Party, the *ad hoc* commission shall also meet to consider any other question regarding the establishment of persons.

Article 13

This Convention shall apply:

- For France, in the metropolitan territory of the French Republic and in its Overseas Departments,
- For Mali, throughout the territory of the Republic of Mali.

Article 14

This Convention shall replace and abrogate the Convention on establishment between France and Mali of 11 February 1977.¹

¹ United Nations, *Treaty Series*, vol. 1263, p. 257.

It is concluded for a period of five years from the date of its entry into force. At the expiry of that period, it may be renewed annually by tacit agreement, unless it is denounced by one of the Contracting Parties.

Notification of such denunciation shall be made through the diplomatic channel six months prior to the expiry of each period.

Each Party shall inform the other when it has completed the internal procedures required for the implementation of this Convention, which shall enter into force on the first day of the second month following receipt of the last notification.

DONE at Bamako, on 26 September 1994, in two original copies.

For the Government
of the French Republic:

JEAN-DIDIER ROISIN

For the Government
of the Republic of Mali:

SY KADIATOU SOW
