

No. 33849

**FRANCE
and
MALI**

Convention on the movement and stay of persons (with exchanges of letters). Signed at Bamako on 26 September 1994

Authentic text: French.

Registered by France on 19 June 1997.

**FRANCE
et
MALI**

Convention sur la circulation et le séjour des personnes (avec échanges de lettres). Signée à Bamako le 26 septembre 1994

Texte authentique : français.

Enregistrée par la France le 19 juin 1997.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF MALI ON THE MOVEMENT AND STAY OF PERSONS

The Government of the French Republic and

The Government of the Republic of Mali,

Considering the ties of friendship that exist between their two countries,

Desiring to determine, in the common interest, rules on the stay and movement of persons between the two States on the basis of reciprocity, equality, dignity, mutual respect and the principles set forth in the Universal Declaration of Human Rights,²

Taking into account the developments that have occurred in the situation of the two States,

Have agreed as follows:

Article 1

Malian nationals wishing to enter French territory and French nationals wishing to enter Malian territory must be in possession of a valid passport bearing the visa stipulated in the laws of the receiving State and the international vaccination certificates required by that State.

Article 2

For a stay not exceeding three months, Malian nationals, upon entering French territory, and French nationals, upon entering Malian territory, must present documents confirming the purpose and conditions of the proposed stay and must have sufficient means both for their subsistence during the proposed stay and to guarantee their return to the country of origin or travel to a third State to which their admission is guaranteed.

Article 3

The following persons shall not be required to present the documents referred to in article 2:

1. Members of the Government;
2. Members of diplomatic missions and consulates arriving to take up their posts in the other State, and their dependents;
3. Members of the parliamentary assemblies of the Contracting States;
4. Officials, officers and employees of the public services of the other State when they have a mission order from their Government, and officials of intergovernmental organizations who have a mission order issued by their organization;

¹ Came into force on 1 May 1996 by notification, in accordance with article 18.

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

5. Members of the crews of ships and aircraft on official travel under cover of the documents stipulated in the relevant international conventions.

Article 4

For a stay of more than three months, Malian nationals, upon entering French territory, and French nationals, upon entering Malian territory, must be in possession of a long-stay visa and, depending on the nature of their stay, of the supporting documentation referred to in articles 5 to 9 below.

Article 5

Nationals of either Contracting State wishing to take up paid employment in the territory of the other State must also, in order to be admitted to the territory of that State, prove that they are in possession of:

1. A medical certificate drawn up during the two months prior to departure and issued:
 - With respect to entry into Mali, by the competent Malian consulate, after an examination performed in French territory by a physician approved by the consulate in agreement with the French authorities;
 - With respect to entry into France, by the competent French consulate, after an examination performed in Malian territory by a physician approved by the consulate in agreement with the Malian authorities;
2. A contract of employment stamped by the Ministry of Labour under the conditions stipulated in the laws of the receiving State.

Article 6

Nationals of either Contracting State wishing to engage in the territory of the other State in manufacturing, commerce or a craft must, in addition to holding the long-stay visa referred to in article 4, have been authorized to engage in such activity by the competent authorities of the receiving State.

Article 7

Malian nationals wishing to establish themselves in France and French nationals wishing to establish themselves in Mali without engaging in gainful employment must, in addition to holding the long-stay visa referred to in article 4, prove that they have sufficient means of support.

Article 8

Members of the family of a national of one of the Contracting States may be authorized to join the national who is legally established in the territory of the other State, in accordance with the laws in force in the receiving State regarding family reunion.

They shall receive a residence permit of the same type as that of the person they are joining, in accordance with the laws of the receiving State.

Article 9

Nationals of either Contracting State wishing to pursue higher studies or to attend an advanced training course in the territory of the other State must, in addition to holding the long-stay visa referred to in article 4, prove that they are in

possession of a certificate of registration or pre-registration from the chosen educational establishment or a certificate of acceptance from the establishment at which the training will take place, and, without exception, of sufficient means of support.

These provisions shall not preclude the possibility of attending, in the other State and in accordance with the laws of that State, training or courses in specialized disciplines that do not exist in the State of origin.

The persons concerned shall receive a temporary residence permit marked “student”. This residence permit shall be renewed annually subject to proof that the studies or training are being effectively pursued and of possession of sufficient means of support.

Article 10

For any stay in Malian territory to exceed three months, French nationals must be in possession of a residence permit.

For any stay in French territory to exceed three months, Malian nationals must be in possession of a residence permit.

Such residence permit shall be issued and renewed in accordance with the laws of the receiving State.

Article 11

After three years of uninterrupted legal residence, nationals of either Contracting Party established in the territory of the other Party may obtain a 10-year residence permit, under the conditions stipulated in the laws of the receiving State.

Such residence permit shall be automatically renewable. The fees and charges payable upon its issuance or renewal shall be set under the conditions stipulated in the laws of the receiving State.

Article 12

In order to keep the beneficiaries of the provisions of the Convention better informed, the consular authorities of each State shall notify the authorities of the other State regularly of developments in the internal regulations governing the entry and stay of foreigners.

Article 13

The provisions of this Convention shall not affect the right of the Contracting States to take any measures necessary for the maintenance of public order and for the protection of public health and security.

Article 14

If the Government of either Contracting Party decides to remove, deport or exclude a national of the other Party, such measure shall be implemented in compliance with the rights and guarantees recognized for the individual by the international agreements to which the two States are Parties, as well as the laws and regulations in force in each of them.

Article 15

Points not covered by this Convention relating to the entry and stay of foreigners shall be governed by the laws of the receiving State.

Article 16

In case of difficulty, the two Governments shall seek an amicable settlement through the diplomatic channel and may, if necessary, convene an *ad hoc* commission.

At the request of either Party, the *ad hoc* commission shall also meet to consider any other question relating to the movement and stay of persons.

Article 17

This Convention rescinds and supersedes the Convention between France and Mali of 11 February 1977¹ on the movement of persons.

However, the Protocol of 11 February 1977 concerning the employment and residence of employees and their families shall remain in force in accordance with the exchange of letters annexed hereto and shall be an integral part of this Convention.

Article 18

This Convention is concluded for a period of five years as from the date of its entry into force. Upon the expiration of that period, it shall be renewable annually by tacit agreement unless it is denounced by one of the Contracting Parties.

Notice of denunciation shall be given through the diplomatic channel six months prior to the expiration of each period.

Each Contracting Party shall notify the other of the completion of the domestic procedures required for the entry into force of this Convention, which shall take effect on the first day of the second month following the 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

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

EXCHANGES OF LETTERS

I

FRENCH EMBASSY IN MALI

Bamako, 26 September 1994

Madam,

During the negotiations that culminated today in the signing of the Convention on the movement and stay of persons, it was deemed necessary to specify the facilities that will be available for business people and traders of either Contracting Party wishing to enter the territory of the other Party in connection with their professional activities.

The Malian nationals concerned may be issued with a multiple entry and exit visa.

French nationals shall enjoy a similar arrangement.

In addition, in order to address the concern of the Malian Party that it should be able to arrange for certain children to pursue secondary studies in France, it is agreed that visa applications relating to special cases submitted for this purpose shall be given sympathetic consideration, on a case by case basis, in accordance with the modalities specified in article 9.

I shall be grateful if you would kindly inform me whether the above arrangements meet with your Government's approval. If that is the case, this letter and your response shall constitute an agreement on this matter between our two Governments.

Accept, Madam, etc.

JEAN-DIDIER ROISIN
Ambassador of France to Mali

Madame Sy Kadiatou Sow
Minister for Foreign Affairs
Malians Abroad and African Integration

II

MINISTRY OF FOREIGN AFFAIRS
MALIANS ABROAD AND AFRICAN INTEGRATION

Koulouba, 26 September 1994

Sir,

By your letter dated 26 September 1994, you kindly informed me as follows:

[See letter I]

I have the honour to confirm my agreement to the proposals contained in that letter.

Accept, Sir, etc.

SY KADIATOU SOW
MinisterHis Excellency Mr. Jean-Didier Roisin
Ambassador of France to Mali
Bamako

III

FRENCH EMBASSY IN MALI

Bamako, 26 September 1994

Madam,

The Convention between France and Mali on the movement and stay of persons, signed today, having rescinded the bilateral Convention of 11 February 1977 on the movement of persons, our two Governments have agreed that the Protocol of 11 February 1977 concerning the employment and residence of employees and their families shall remain in force subject to the following amendments to articles 1 and 9:

Article 1

The words “in addition to the documents stipulated in articles 1, 2 and 7, paragraph 1, of the Convention on the movement of persons” should be replaced by the words: “in addition to the documents stipulated in articles 1, 4 and 5 of the Convention on the movement and stay of persons”. The remainder of the article remains unchanged.

New article 9

Article 9 should read: “This Protocol shall remain in force for the same period and shall apply under the same conditions as the Convention on the movement and stay of persons.”

I shall be grateful if you would kindly inform me whether the above provisions meet with your Government’s approval. If that is the case, this letter and your response shall constitute an agreement on this matter between our two Governments.

Accept, Madam, etc.

JEAN-DIDIER ROISIN
Ambassador of France to Mali

Madame Sy Kadiatou Sow
Minister for Foreign Affairs
Maliens Abroad and African Integration

IV

MINISTRY OF FOREIGN AFFAIRS
MALIANS ABROAD AND AFRICAN INTEGRATION

Koulouba, 26 September 1994

Sir,

By your letter dated 26 September 1994, you kindly informed me as follows:

[See letter III]

I have the honour to confirm my agreement to the proposals contained in that letter.

Accept, Sir, etc.

SY KADIATOU SOW
MinisterHis Excellency Mr. Jean-Didier Roisin
Ambassador of France to Mali
Bamako