

# **AGREEMENT OF ESTABLISHMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SENEGAL AND THE GOVERNMENT OF THE FRENCH REPUBLIC**

The Government of the French Republic on the one hand,

The Government of the Republic of Senegal on the other hand

considering the bonds of friendship existing between the two countries

desiring to assure to their respective nationals, on the territory of the other State, a status in conformity with the relations between the two countries on the basis of reciprocity, equality of respect and mutual interest,

have agreed on the following provisions:

## **Article I.**

Every national of one of the Contracting Parties shall enjoy public freedoms in the territory of the other under the same conditions as the nationals of that State.

These freedoms shall be exercised in accordance with the legislation in force in the territory of each of the Contracting Parties.

## **Article II.**

Subject to the agreements between the two contracting parties on the movement of persons, the nationals of each party may freely enter the territory of the other party, travel there, establish their residence in the place of their choice, and leave it at any time.

This provision shall not affect the right of either State to take such measures as may be necessary for the maintenance of public order and the protection of public health and safety.

## **Article III.**

The nationals of each Contracting Party shall have access to the courts of the other Party under the same conditions as the nationals of that Party.

The nationals of each Contracting Party shall enjoy in the territory of the other Party the right to invest capital, to acquire, own, manage or lease all movable and immovable property, rights and interests, and to enjoy and dispose of it.

## **Article IV.**

Each of the contracting parties undertakes to accord in its territory fair and equitable treatment to the property, rights and interests belonging to nationals of the other Party, and to afford them full legal and judicial protection.

## **Article V.**

The nationals of each of the two contracting Parties may engage in commercial, agricultural, industrial and handicraft activities in the territory of the other Party, except in cases of derogation justified by the economic and social situation of that Party.

The same shall apply to the exercise of salaried activities.

## **Article VI.**

The nationals of each of the Contracting Parties shall not be subject in the territory of the other Party to any duties, taxes or contributions, by whatever name called, other or higher than those imposed on nationals in the same situation.

## **Article VII.**

No national of either Contracting Party shall be subjected in the territory of the other Party to any arbitrary or discriminatory measure likely to affect his property, rights or interests lawfully held in the territory of the other Party, in particular where such property, rights or interests consist of a direct or indirect share in the assets of a company or other legal person.

If the authorities of either Party are required to take measures of expropriation or nationalization of the property of nationals of the other Party. Fair compensation shall be paid, the amount of which shall be fixed at the time of the dispossession.

## **Article VIII.**

When one of the contracting parties proposes to expel a national of the other Party whose activity threatens public order, public safety or public morals, it shall give prior notice to the other Party.

## **Article IX.**

Each Contracting Party shall recognize as of right, subject to the conformity of their constitution and object with its public policy, the legal personality of civil and commercial companies legally constituted in the territory of the other Party and having their registered office there.

## **Article X.**

The legal persons of each of the Contracting Parties shall be treated in the same way as the natural persons of that Party for all the provisions of this Convention which may apply to a legal person.

## **Article XI.**

The French nationals, natural or legal persons, established on the Senegalese territory at the date of entry into force of the present convention can continue to exercise their activities.

The Senegalese nationals, natural or legal persons, established on the French territory at the date of entry into force of the present convention can continue to exercise their activities.

## **Article XII.**

Is considered as established on the territory of one of the Parties any national of the other Party exercising his activities there for at least three months having the date of signature of the present convention.

## **Article XIII.**

Each Party reserves the right to grant, where appropriate, more favorable treatment to nationals of a neighboring third State or of a State belonging to the same regional grouping or to the same zone of economic or political solidarity.

## **Article XIV.**

This Convention replaces and repeals the Convention on Establishment of 22 June 1960 and replaces the Multilateral Agreement on the Fundamental Rights of Nationals of the States of the Community in relations between the two Contracting Parties.

It is concluded for a period of two years, renewable by tacit agreement, unless one of the Contracting Parties denounces it.

Denunciation must be notified through diplomatic channels at least six months in advance.

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

Done at Paris on 29 March 1974 in two original copies in the French language.

For the Government of the French Republic

The Minister of Foreign Affairs

Michel JOBERT

For the Government of the Republic of Senegal

The Minister of Foreign Affairs

ASSANE SECK

## **Exchange of Letters**

Paris, March 29, 1974.

Dear Minister,

During the negotiations which led to the conclusion of the Convention of Establishment of this day, we agreed that the nationals of each of the Contracting Parties would benefit in the territory of the other Party from labor legislation, social laws and social security under the same conditions as the nationals of that Party.

I have the honor to propose to you that this letter and your Excellency's reply shall constitute the Agreement between the two Governments on this provision which shall form an integral part of the above-mentioned Convention.

integral part of the aforementioned convention.

Please accept, Mr. Minister, the assurances of my highest consideration.

Jean de LIPKOWSKI

Secretary of State to the Minister of Foreign Affairs of the French Republic

His Excellency

Mr. Assane SECK

Minister of Foreign Affairs of the Republic of Senegal

Paris, March 29, 1974.

Dear Minister,

By letter dated today, you kindly informed me of the following:

"During the negotiations which led to the conclusion of the Convention of Establishment dated this day, we agreed that the nationals of each of the Contracting Parties would benefit in the territory of the other Party from labor legislation, social laws and social security under the same conditions as the nationals of that Party.

I have the honor to propose to you that this letter and your Excellency's reply shall constitute the Agreement between the two Governments on this provision which shall form an integral part of the above-mentioned Convention.

integral part of the aforementioned convention.

I have the honor to confirm my Government's agreement to the above.

Please accept, Mr. Minister, the assurances of my highest consideration.

ASSANE SECK

Minister of Foreign Affairs of the Republic of Senegal

His Excellency Jean de LIPKOWSKI

Secretary of State to the Minister of Foreign Affairs of the French Republic.