

AGREEMENT ON ESTABLISHMENT BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF SENEGAL

The Government of the French Republic, of the one part, and the Government of the Republic of Senegal, of the other part,

Considering the bonds of friendship existing between the two countries

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

Have agreed upon the following provisions:

Article 1.

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.

In particular, in accordance with the principles set forth in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the free exercise of cultural, religious, economic, professional, social, religious and religious observances, opinion, expression, assembly, association and trade union activities shall be guaranteed.

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

Article 2.

The nationals of each Contracting Party shall enter the territory of the other Party, travel there, establish their residence in the place of their choice and leave it at any time, under the conditions defined by the Convention on the Movement and Residence of Persons (together with an annex) signed in Dakar on 1 August 1995.

This provision shall not affect the right of each State to take such measures with regard to one or more persons as may be necessary for the maintenance of public order and the protection of public health and safety.

Article 3.

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

The nationals of each Contracting Party shall enjoy in the territory of the other Party, under the same conditions as the nationals of that Party, the right to invest capital, to acquire, to own, to manage or to lease all movable and immovable property, rights and interests, to enjoy and to dispose of them, except where derogation is required for reasons of public policy.

Article 4.

Each Contracting Party undertakes to accord in its territory fair and equitable treatment to property, rights and interests belonging to nationals of the other Party, to afford them full legal and judicial protection and to ensure that the exercise of the right so recognised is not impeded.

Article 5.

Nationals of either Contracting Party may engage in commercial, agricultural, industrial or artisanal activities in the territory of the other Party, as well as in activities as employees, unless an exception is justified by the economic and social situation of that Party.

Nationals of either Contracting Party may be authorised in the territory of the other Party to exercise a liberal profession in accordance with the procedures laid down by the legislation of the latter Party.

Article 6.

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 or interests, in particular where these consist of a direct or indirect share in the assets of a company or other legal person. Such property may not be expropriated in the public interest or nationalised unless fair compensation is first paid.

Article 7.

French nationals, whether natural or legal persons, who are regularly established in Senegalese territory on the date of entry into force of this Convention may continue to carry on their activities there freely.

Senegalese nationals, whether natural or legal persons, who are regularly established in French territory on the date of entry into force of this Convention may continue to carry on their activities freely there.

Article 8.

Any national of one of the Parties who is in the territory of the other Party under the conditions defined by the Franco-Senegalese Convention on the Movement and Residence of Persons signed in Dakar on 1 August 1995 shall be deemed to be regularly established.

This definition shall not affect the legal situation of nationals of one of the Parties established in the territory of the other Party prior to the entry into force of the Convention referred to in the preceding paragraph.

Article 9.

When one of the Parties decides to issue an expulsion order against a national of the other Party, it shall inform the competent consular authority without delay.

Article 10.

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

The legal persons of each Contracting Party shall be treated in the same way as the natural persons of that Party in respect of all the rights set forth in this Convention which a legal person may enjoy.

Article 11.

In case of difficulty, the two Parties shall seek a friendly settlement through diplomatic channels and may, if necessary, convene an ad hoc committee at the request of either Party.

Article 12.

This Convention shall apply :

- for France, to the metropolitan territory of the French Republic and to its overseas departments ;
- for Senegal, to the whole territory of the Republic of Senegal.

Article 13.

The present Agreement abrogates and replaces the Agreement on Establishment between the Government of the French Republic and the Government of the Republic of Senegal of 29 March 1974.

It shall be concluded for a period of five years from its entry into force and shall be renewable annually by tacit agreement, unless denounced by one of the Contracting Parties.

Denunciation must be notified through diplomatic channels six months before the expiry of each period.

This Convention shall enter into force after the completion of the constitutional procedures required in each State. Each Party shall notify the other of the completion of the said procedures in respect of itself. The Convention shall take effect on the first day of the second month following receipt of the last notification.

Done at Paris, this 25th day of May 2000, in two original copies in the French language.

For the Government of the French Republic :

Charles Josselin,

Minister Delegate for Cooperation and Francophony

For the Government of the Republic of Senegal :

Cheikh Tidiane Gadio,

Minister of Foreign Affairs and Senegalese Abroad