

Joint Convention on the Free Movement of Persons and the Right of Establishment in the Customs and Economic Union of Central Africa

UNITED REPUBLIC OF CAMEROON - CENTRAL AFRICAN REPUBLIC

PEOPLE'S REPUBLIC OF CONGO - GABONESE REPUBLIC

TITLE I

GENERAL PROVISIONS

Art 1. - Nationals of the Member States of the Customs and Economic Union of Central Africa may freely enter the territory of any of the Member States, travel there, establish their residence and leave at any time in accordance with the provisions of the of this Convention.

Art. 2. - This Convention shall apply, as from its entry into force, to nationals of Member States of the Union classified in the following categories:

- 1) Persons traveling in a Member State for reasons of tourism or personal hereinafter referred to as "Tourists".
- 2) People traveling to another Member State on business, hereinafter referred to as "Businessmen".
- 3) Persons residing in the territory of another Member State to engage in paid employment hereinafter referred to as "Workers".
- 4) Persons establishing themselves in the territory of another State for the purpose of carrying on a self-employed activity of a liberal or artisanal character called "Independent Professionals".

Art. 3. - Nationals of Member States of the Union traveling, staying or established in the territory of another Member State shall enjoy the same rights and freedoms as nationals except political rights.

These rights and freedoms are:

- (a) The rights and guarantees of the person,
- (b) Individual and public freedoms.

TITLE II

THE MOVEMENT OF PEOPLE

Art. 4. - The movement of persons is free within the Union subject to the production of a national identity card, or a valid passport or expired for less than five years, as well as an international health card

Art. 5. - The tourists referred to in Article 2 above include on the one hand, the traveller who proves that he can live on his own resources and that demonstrates the commitment to practice no profession during his stay, and on the other hand the traveller that moves for family or friendly reasons.

The free movement of such persons shall include the right to move and reside in the territory of a Member State for a period of three months in accordance with the rules in force in each country.

Art. 6. - The circulation of "Businessman" is governed by the provisions of Article 5 applicable to tourists.

Art. 7. The free movement of workers implies the abolition of all discrimination based on nationality between workers of the Member States as regards employment, pay and other conditions of work.

Art. 8. - It includes the right, subject to the limitations justified by reasons of public order and public health:

(a) To respond to employment actually offered;

(b) To travel for this purpose freely within the territory of the Member States;

(c) Reside in one of the Member States to take up employment in accordance with the laws, regulations and administrative provisions governing the employment of national workers;

(d) After having worked there, to remain for three months with a view to finding another one or to settle in the territory of a Member State.

Art. 9. - Member States shall promote by common programs the exchange of workers of senior management.

Art. 10. - Except as otherwise provided by the Government of the State concerned, the activities of the public administration shall be excluded from the application of the provisions of this Title.

TITLE III

THE RIGHT OF ESTABLISHMENT

Art. 11. - Freedom of establishment includes the right to access self-employed, liberal or craft activities, and their exercise, as well as the establishment and management of enterprises under the conditions defined by the various legislation and investment codes of the Member States of the Union.

Art. 12. - Under the provisions of Article 3 above, nationals of Member States of the Union who are established in another Member State shall enjoy the following rights and freedoms:

(a) The rights and guarantees of the person involving the free exercise of cultural, religious, economic, professional or social activities;

(b) Individual and public freedoms such as freedom of thought, conscience, religion and worship, opinion, and expression, assembly and association, freedom of association in the framework of national trade unions.

Art. 13. The rights and freedoms mentioned above may not, however, preclude the sovereign right of each of the governments of the Member States to deport nationals of another Member State.

This measure is immediately notified to the government of the State concerned. It is therefore the subject of an individual and reasoned decision by the head of government.

In addition, the evicting State shall take all appropriate measures to safeguard the property and interests of the expelled person.

Art. 14. - The members of the liberal professions may practice their activities in the Member States of the Union under the conditions defined by the various national laws.

They may also, by way of derogation from the provisions of Article 10 above, carry on their activities within the public services in the capacity of employees under the conditions defined by the governments concerned.

Notwithstanding this, this option shall not have the effect of permitting them, unless the Government of the Member State concerned decides otherwise to make an official part of the Administration, even occasionally.

Art. 15.- Employees employed in one Member State who are employed in the territory of another Member State may establish themselves in that territory when they have ceased all paid employment or when they want to carry on a non-competitive activity, at the same time they meet the conditions they should meet upon entry into the state.

Art. 16.- In preparing the general program while waiting to make the freedom of establishment effective in UDEAC, the General Secretariat shall, inter alia:

(a) To give priority consideration to activities in which freedom of establishment is a particularly useful contribution to the development of production and trade;

(b) To collect in close cooperation with the competent national authorities all relevant information on particular activities or situations within the Union.

TITLE IV

DISPUTE SETTLEMENT

Art. 17. - The settlement of disputes resulting from the application of the provisions of this Convention may be the subject of appeal procedures the terms of which are set out in the following article.

Art. 18. - Remedies shall be available to nationals of a Member State of the Union discriminating against them or prejudicially with the competent courts of the State in which they were taken, within a specified period of time the national legislatures.

Art. 19. - The awards rendered in this respect by the courts defined in the above article may appeal to an Arbitration Commission whose composition, operating procedures will be defined by a decision of the State Council.

TITLE V

TRANSITIONAL PROVISIONS

Art. 20. - For a period of one year from the entry into force of this Convention, national laws shall remain applicable.

Art. 21. - In the context of this Convention one year after its entry into force, the free movement of persons is effectively within the Union and restrictions on the freedom of establishment are abolished.

Art. 22. - Before the end of the transitional period of Article 20 of this Convention, the Governing Board of the Customs and Economic Union of Central Africa shall decide on the measures required for the effective realization of the free movement of workers ; especially :

(a) by setting up within the General Secretariat of the Union an inter - State office responsible for ensuring the necessary cooperation between national administrations to put offers and applications for jobs in contact, to propose any measures to avoid the risk of imbalance in standard of living and employment in various regions and industries;

(b) by eliminating administrative procedures and practices, as well as the time-limits for access to jobs, which have been enacted either by previous legislation or by agreements previously concluded between Member States, including the maintenance of obstacles to the freedom of movement of workers or the impose different conditions on workers of other Member States than nationals on the freedom to choose a job.

(c) by introducing, in the field of social security, arrangements for ensuring that migrant workers and their dependents are stabilized for the opening, maintenance of the entitlement and the calculation of benefits for all periods taken into consideration by the different national laws, as well as their payment to persons residing in the territory of other Member States.

TITLE VI

FINAL PROVISIONS

Art. 23.- Agreements concerning the free movement of persons and the right of establishment concluded before the entry into force of this Convention between one or more Member States of the Union shall remain valid in the case of contrary to these provisions.

Brazzaville, December 22, 1972.