

BILATERAL AGREEMENT ON FREE MOVEMENT OF PEOPLE ACROSS COUNTRIES: AN ISSUE OF PAPER AGREEMENT OR PRACTICAL APPLICABILITY BETWEEN CAMEROON, MALI AND CANADA.

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Abstract

The free movement of people and trade has always been one of the major clauses found in articles signed between countries desiring to establish special relations among themselves. The later (free trade agreement) in most cases, has always been very successful as compared to the former (Free movement). This paper sets out to demonstrate how the clause of the "free movement of people" remains more on paper than it is respected in most cases especially when it concerns treaties between countries of north and those of the south. It is better when it concerns south-south treaties as the case between Mali and Cameroon. The failure to implement this clause fully has engendered many unorthodox means and fatal consequences as people try to make their way to the other party countries that impose limits to these free movements.

Key words: *free movement, migrants, bilateral relations, ground realities, illustration*

Résumé

La libre circulation des personnes et des échanges a toujours été l'une des clauses majeures des articles signés entre pays désireux d'établir entre eux des relations particulières. Le dernier (accord de libre-échange) dans la plupart des cas, a toujours été très réussi par rapport au premier (libre circulation). Cet article s'attache à démontrer comment la clause de la « libre circulation des personnes » reste plus sur le papier qu'elle n'est respectée dans la plupart des cas surtout lorsqu'il s'agit de traités entre pays du nord et ceux du sud. C'est mieux quand il s'agit de traités sud-sud comme c'est le cas entre le Mali et le Cameroun. L'échec de la mise en œuvre complète de cette clause a engendré de nombreux moyens peu orthodoxes et des conséquences fatales alors que les gens tentent de se rendre dans les autres pays parties qui imposent des limites à ces libres mouvements.

Mots clés : *libre circulation, migrants, relations bilatérales, réalités de terrain, illustration*

Introduction

Bilateral relations as recorded by Couloumbis and Wolfe. (1978 and 1982), were developed mainly from the American setting after observing so much loss of lives (20 million) during the first World War around 1920 to create an alternative of domineering powers to cooperation and agreements.

Some years later, Andrea (1985) affirmed that it was created because of the special common characteristics that two countries share and, in a bid, to obtain what one country does not have from the other in order to satisfy self-interest. He also added that differences between countries could be religion, law, education, government and resources.

The relationship for instance, between France, Britain and Cameroon is a historic one since 1918 as colonial masters, and has been boosted over time till date. The benefits shared by each of these three countries have made them to always find a common ground to revitalise cooperation ties in all fields. This is the case with the United States of America, with long-lasting relations with Cameroon since the 1960 (Table 1).

Table 1: Pioneer countries having bilateral relations with Cameroon by years of signature

No	Name of Countries	Years
1	Germany	1960
2	France	1960
3	United Kingdom	1960
4	Israel	1960
5	Senegal	1960
6	Nigeria	1960
7	United States of American	1960
8	Netherlands	1961
9	Saudi Arabia	1961
10	South Korea	1961
11	Canada	1961
12	Spain	1961
13	Ivory coast	1962
14	Luxembourg	1962
15	Ghana	1963
16	India	1963
17	Turkey	1963
18	Morocco	1963
19	Russia	1964
20	Mali	1964
21	Philippines	1964
22	Finland	1964

23	Norway	1965
24	Congo	1965
25	Equatorial Guinea	1968
26	Lesotho	1968
27	Romania	1970

Source: en.m Wikipedia .org 2013

Canada, on its part as stated by Andrea (1985) was attracted to Cameroon for three main reasons namely: its bilingual nature which gave them a no language barrier aspect, the progressing economic growth which made a good arena for investment and its strategic location which helped them to attain neighbouring countries like Nigeria and Chad. Cameroon on its part, benefitted from aid and expertise gained in the domains of schools, roads, electricity lines, technology and trade.

Mali amongst some other African countries is one of the pioneer countries to have engaged bilateral relations with Cameroon ever since gaining her sovereignty in 1964. The first agreement was signed on the 6th of May 1964 and a modified version was signed on the 8th September 2015 (Présidence de la République du Cameroun, 2017). History holds that, the relationship started on a fraternal base when she extended a helping hand to the state of Cameroon during the post-independence war. It is really intriguing and worth revealing to know what Mali and some other countries saw at that early stage as potentials or opportunities to benefit from in Cameroon. Table 1 shows pioneer countries that signed early bilateral relations with Cameroon within her tenth year period of independence by year of signature.

In addition to bilateral relations, (Ruggie, 2019) elaborated the concepts of "indivisibility" and "diffused reciprocity" as "an institutional form which coordinates relations among three or more states based on 'generalized' principles of conduct. Therefore, there equally exist multilateral relations, in which understandings of memoranda are signed with institutions of powerful international and regional standings focused on economic, financial and security aspects. These organisations include: La Francophonie, the Commonwealth, Organisation of Islamic cooperation, Group of 77, Non-aligned movement, African union, Economic community of central African states, BRICS et cetera.

Notwithstanding the existence of these agreements, their applicability becomes problematic in several instances. The worry comes where all of the clauses are not respected or when one country implements more than her counterpart. This leads to disagreements borne from the feeling of domination or cheating as would be developed subsequently. These discrepancies have led to all sorts of immigration incidents around the world which have been largely diffused by the media, making the subject of immigration a top priority by the U.N and different states either of their involvement as a destination, transit or departure areas (Pondi, 2007). Countries with Bilateral relationships immensely benefit from each other according to the agreements reached but free movement of people between

some states with these agreements is still to be untangled or fully comprehended. The free or wilful movement of people is not always as easy as those of goods and expertise as signed in bilateral relations. This is less witnessed between countries with south-south cooperation and highly frequent between countries with North –south relations. This has led to the issues of illegal migrations or/and migration at all cost (deadly), using unscrupulous means and routes as is seen in the Mediterranean Sea and in the Sahara deserts, recently driven by the quest to gain access to countries of the north regions going through inhumane and incomprehensible conditions.

Methods and materials

Study area

This article falls within the frame of a research work based on the search of greener pastures: case of the Malians in Cameroon. Therefore, the study area is Cameroon in central Africa. Cameroon, a republic in western Africa, is bounded on the north by Lake Chad; by Chad and the Central African Republic on the east; by the Republic of the Congo, Gabon, and Equatorial Guinea, on the South and the Bight of Biafra (an arm of the Atlantic Ocean) and Nigeria on the west. The country is shaped like an elongated triangle, and forms a bridge between West Africa and Central Africa. The country has a total area of 475,442 square km (183,569 square mi) and a population of about 20 million 2005 census results (fig 1).

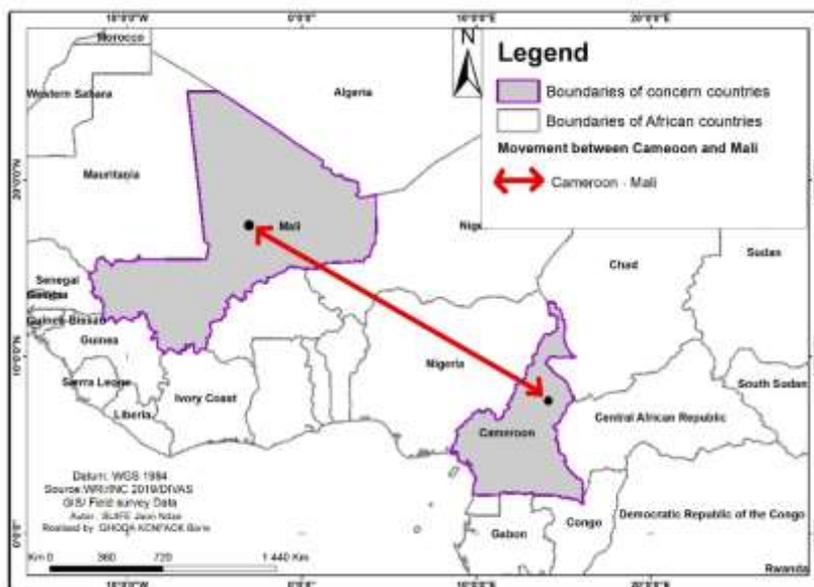


Fig 1: Layout of Mali and Cameroon

Source: WRIING/SOGEFI 2019

Mali, officially the Republic of Mali, is a landlocked country in West Africa. Mali is the eighth largest country in Africa, with an area of just over 1,240,192 square kilometres. It is located southwest of Algeria; extending south- west from the southern Sahara Desert through the Sahel to the Sudanian savannah zone. The population of Mali is 17.467.108 (July 2016 estimates). Its capital is Bamako.

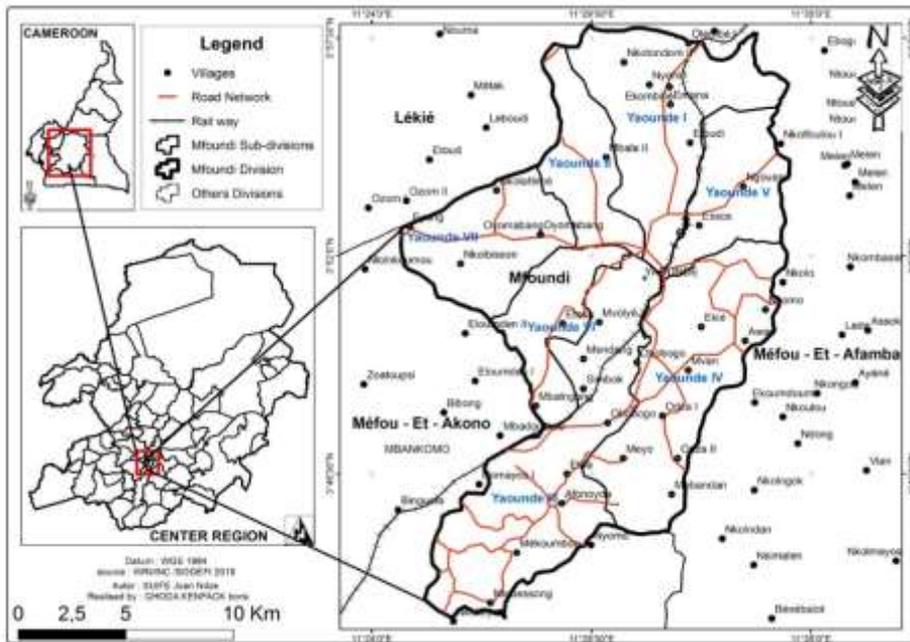


Fig 2: Layout of Mfoundi Division in the Central Region of Cameroon

Source: WRIING/SOGEFI 2019

Yaoundé is the capital, and Douala is the largest city. Other towns include Maroua, Garoua, Ngoundere, Buea, Bamenda, Bertoua, Ebolowa and Bafoussam. Yaounde town, the capital of Cameroon is found in the Mfoundi division of Centre Region of the Republic of Cameroon. It lies between: latitude 3°50' and 3°55' north of the equator, and longitudes 11°25' and 11°30' east of the Greenwich meridian. It's divided into seven sub-divisions as follows: Yaounde I, Yaounde II, Yaounde III, Yaounde IV, Yaounde V, Yaounde VI and Yaounde VII respectively. It's bounded by the Léké, Mefou and Afamba, Nyong and Kelle, Nyong and So, and Nyong and Mfoumou Divisions. Yaoundé is the headquarters of the Mfoundi division, Centre province and capital of Cameroon as a whole fig 2.

Data collection

Information was directly collected from the field using the sample survey data collection techniques. The information was collected with the use of pre-designed questionnaires administered to individuals within the target population made up of Malians born in Mali and migrated to Cameroon and have been in Yaounde for at least six months, by the researcher. Interviews were conducted with some resource persons chosen based on their longevity in the town of Yaoundé and on their involvement in the decision-making platform related to the mutations concerning immigrants or of foreigners. Photographs resulting from participant's observation clearly illustrate the observable presence of these immigrants and their day-to-day realities through various activities in order to achieve set objectives envisaged in Yaoundé Cameroon.

Data treatment

Most of the data was processed using elementary statistical techniques. Questionnaires were sorted out into different categories in terms of age groups, educational levels, reasons for migrating using the Microsoft office tool of excel. They were then verified and classified under specific themes. Responses were coded, tallied and presented in statistical tables or graphs to show relationship between variables. Data processing ran throughout the whole research process.

Data collection tools and instruments, included questionnaire made available for the interview sessions and camera for photographs to better illustrate events.

Results

Clauses on free movements of people as signed in some treaties (Mali-Cameroon Canada – Cameroon)

Cameroon and Mali

Regarding Mali and Cameroon, the clause is found in its article three (3) lines one, two and three and goes thus: -

Article3:

1. Subject to holding a valid passport with the visa required by the laws of the host state any national of either contracting party may freely enter, move about, settle in any locality of their choice, or leave the territory of the other state, subject to the community preferential provisions specific to the sub-regional groupings to which each of the contracting party belongs.
2. The entry visa referred to in paragraph 1of this Article shall, on a reciprocal basis, be issued free of charge to the nationals of the other Contracting Party, and may be obtained at diplomatic missions and consular posts or at the first point of entry into the territory of each state.
3. Notwithstanding the provisions 1 and 2above, each Contracting Party shall have the right to refuse the entry into its territory, or shorten

their stay there, of nationals of the other Contracting Party, for reasons of public order, security or health protection.

Canada and Cameroon

The clause concerning the free movement of persons as signed between Canada and Cameroon appears in its article 8 entitled "senior management, board of directors and entry of personnel". It is stipulated in its line three (3) and reads thus: subject to its domestic law relating to the entry of aliens, each party shall grant temporary entry to nationals employed by an investor of the other party who seek to render managerial or executive services, or services that require specialized knowledge to an investment of that investor in the territory of the party.

From the two agreements above, discrepancies can already be noticed in the manner in which the clauses are posed. The treaty between Canada and Cameroon is more difficult to comprehend and is attached more to investment policies while that between Mali and Cameroon is more explicit and not attached to the investment policies. Each step concerning entry is well explained and substantiated in separate articles. The travelling documents in the later are well stipulated in addition to the rightful places where they can be acquired. Cases of refusal here are also clearly stated, so an immigrant is well informed about entry requirements.

Though the impossibilities of entry are not well stated in the Mali- Cameroon treaty, the first Malian immigrants did not face any problem entering into Cameroon upon presentation of any travelling documents. However, as from 2015 their immigrants do face some problems at the ports of entry into Cameroon due to the absence of a travelling passport which has become the main entering document. They are "harassed" by the Cameroonian police officers (immigrants' declaration) for lack of complete possession of entry documents. This happens especially to immigrants who do not master the 2015 amendments made in the treaty. In addition, 52% (Suife, 2023) of them had been informed previously by immigrant friends and family members that they never needed it. Some of them also face the problem of ethnic identity (16%) generally suffering from stigmatisation and being tagged as "strangers", the inability to obtain a double nationality (16%) and rights to land tenure 4% (Suife, 2023). In spite of all these difficulties, none of them has ever encountered a situation of repatriation from Cameroon.

Discussions and perspectives

While free movement seems difficult to achieve at the global (Sonja et al, 2017) yet, many agreements are being signed at regional levels. In North-North cooperation, the free movement of people, most of the times are very smooth as with the "**Schengen Visa**" among European countries, whereas in North -South cooperation, the scenario becomes different.

The Schengen Visa is the world's largest visa free zone. Twenty seven (27) countries: Austria, Belgium, France, Germany, Greece, Denmark, Czech

Republic, Estonia, Finland, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Croatia Sweden, Switzerland, Iceland and Lichtenstein are involved in this, including those that do not pertain to the European Union. More countries like Romania, Bulgaria, Cyprus, are in the process of joining this zone (<https://etias.com>, 13 august 2022). The implementation of this Visa was mostly seen in 1995 though some of the treaties were signed earlier. These countries decided to abolish their internal borders for the free and unrestricted movement of people, in harmony with common rules for controlling external borders and fighting crime waves by strengthening the common judicial system and police cooperation. Today twenty-two (22) of these countries are fully implementing this rule ([www.schengenvisa.info.com](http://www.schengenvisa.info), 2013-2023).

In South –South cooperation, the free movement of people often times is very possible especially amongst the Maghreb countries as seen in AMU (Arab Maghreb Union), signed in 1989 and the ECOWAS (Economic community of West African States) signed on the 28th of May, 1975 zones. These zones are originally created to ease full economic and trading union amongst member countries (Adepoju, 2007). However, trading cannot be done without the movement of persons. Therefore, the free trade policy is always accompanied by the free movement policy. Some of the South –south countries still face resistance due to the absence of full implementation of this clause. This is seen in the case of the countries within the CEMAC (Economic and monetary Community of Central Africa) zones, for example Cameroon and Equatorial Guinea. While Equatoguineans freely enter and operate in Cameroon, it becomes difficult for Cameroonians to enjoy similar freedom in Equatorial Guinea as in several instances Cameroonians suffer deportation and maltreatment, notwithstanding free trade movement agreements signed between the two.

In North- South cooperation, the clause of the free movement of people becomes a complete nightmare. Migrants from the Northern countries travel to southern countries without any major problems. In fact, we are not aware of any case, where a citizen from the Northern country has been denied a visa to get into the southern countries with which they both have a bilateral relation tie.

On the contrary, when migrants from the South countries want to travel to the North countries to which they have common bilateral ties, they are subject to all sorts of procedures and tests to carry out (table 2 below). In addition, external border controls have been tightened (Schofberger, 2020) due to the different interest of each country and the perceptions they have concerning migration. This, somehow stems from the long-lasting conflict between the south and north on issue of world super powers, as is presented in the “The Non-Aligned movement and the North-south conflict” of Dinkel, 2019.

Table 2: list of requirements and tests as needed by migrants travelling between North- North Countries, North South Countries and South- south countries

No	Requirements	Between North-north countries	Between south-south Countries	Between North – south countries	Between south - North countries
1	Type of Visa	No	Yes	Yes	Yes
2	Valid Passport	No	NO/Yes	Yes	Yes
3	Any travel document	Yes	Yes	No	Yes
4	Invitation letter	No	No	Yes	Yes
5	Proof of lodging	No	No	Yes	Yes
6	Round trip ticket	No	No	No/yes	Yes
7	Vaccinations (yellow fever)	yes	yes	yes	Yes
8	Medical Tests	No (only in the case of COVID 19)	No (only in the case of COVID 19)	No (only in the case of COVID 19)	Yes
9	Language Tests	No	No	No	Yes
10	Proof of bank deposit	No	No	Yes	Yes
11	Visa fee	No	Yes	Yes	Yes
12	Interview fee/Service fee	No	No	Yes	Yes
13	Appointment booking online	No	No	Yes	Yes
14	State area or town to be visited	No	No	No	Yes
15	Immigration questioning at entry ports	No	No	No	Yes

Source: Field data, July 2022

From table 2, it is very clear that out of the 15 main requirements only 13.3% is needed from those migrating from North to North countries while 33% is needed by those moving between South to South countries. 60 % needed from migrants going Northern to the southern while a 100% is needed for those leaving from the Southern to the northern countries.

It is common that, at times after satisfying 100% of requirements imposed on migrants from the south to the north, Visas are still denied since issuance is based on the discretion of the issuing officer. The most disturbing thing with denying issuance is that, the Visa and interview fees are non-refundable.

These fees range from 52000cfaf (French Embassy) to about 200000cfaf (U.S embassy) per processing fee or visa fee and 100000cfaf (U.S embassy) for interview fees for Cameroonians or African nationals for instance wanting to travel to Europe and America. In some instances, the applicants are denied these visas and sometimes after numerous attempts (Atemnkeng, 2020) which generally leads to a lot of frustration and push potential migrants to seek for other ways of entry into these countries. The reasons for denials of visa are diverse and range from (cm.usembassy.gov>visa>important-visa-information):-

- Absence of some documents and of all information required
- Not qualify for Visa category
- Inadmissibility or ineligibility by the law (drugs, criminal activities et cetera)
- Become a public charge in the U.S
- Not sufficient funds in bank account to support your stay in the U.S
- Not convincing enough to the consular officer

If an applicant is not satisfied with the outcome of a denial, he/she has to make an appeal and start all over the whole procedure again. This brings to light a sort of double standard and extortion of resources from desperate individuals seeking entry in to some countries of the north.

This visa fee is very beneficiary to consular and/or embassies. For instance, the French Embassy in Cameroon (cm.ambafrance.org) receives 52000cfaf from each individual applying for a visa. This money is non- refundable. The consular receives on an average 350 applications per month, if all of them pay this 52000cfaf, the consular will make 18.200.000cfaf in a month which will give a grand total of about 218.400.000cfaf in a year.

If the same number of applicants were to be applicable in the U.S embassy in Cameroon, therefore, the consular services would receive a sum of 92,500cfaf visa fee plus 100,000cfaf interview fee which will give 192,500cfaf multiplied by 350. This will give a sum total of 67,375,000cfaf in a month. In a year, this amount will sum up to 808,500,000cfaf.

Considering, the stamp fees for entry visas for foreigners into Cameroon which is 50,000cfaf (Directorate General of Taxation, 2022) and basing on the 350 as number of applicants per month, Cameroon government will receive 17,500,00cfaf for a month and 210,000,000cfaf in a year.

Cameroon, therefore, does not receive as much as what singular embassies receive for visas in a year. The glaring disparities between the south and north countries is clear in terms of benefits that they draw out from their bilateral treaties with the south countries.

Another very disturbing phenomenon that accentuated these discrepancies was the COVID-19 pandemic officially declared by the World Health Organization on January 2020. Every government in the world introduced restrictions to human mobility- that is, the movement of persons across and within state borders- in response to the COVID-19 pandemic (Lorenzo et al., 2022). Though the intensity of restrictions was not globally uniform, most countries closed external borders. Some countries (Ireland, Mexico and UK)

opted for lesser travel restrictions; some lasted for few months (Brazil) while some for almost a year (Italy).

In cases where movement was effectuated, it was subjected to strict rules and regulations. This was so in order to contain the virus, reduce complex paths and patterns of the infection spread (Harding et al., 2020). Movements were mostly granted to some categories of travelers like diplomats, permanent residents, military personnel, Airline crew and humanitarian flights. Entry into countries was upon presentation of negative test results, vaccine certificates /or mandatory quarantine when deemed necessary.

Information (data) on the movement of Malians into Cameroon was never recorded from March 2020 to December due to the pandemic (department of frontier police, Yaoundé). Canada accepted movements based on testing, quarantine proof, proof of vaccination, isolation proof, wearing of masks and regular health checks (government of Canada, 2020). Travels from Sub-Saharan African countries to the

Conclusion

These long procedures and huge sums of money incurred for an average migrant in the southern countries, push them to use other unorthodox means which are not only illegal but are very fatal. The most visible and pronounced cases of the Lampedusa stretch and the Libya desert route migrations which are very common nowadays. Thousands have died and are dying in the Mediterranean Sea and in the deserts as they try to make their way to the Northern countries. There is lots of evidence as seen in the pictures below (plate1).

Plate 1: illustrative situations of illegal migration at the Mediterranean Sea



Photo 1: overloaded boat filled with illegal migrant migrants at the offshore of the mediterranean sea



Photo 2: picture of illegal found dead (male) at the coast of lampedusa, Italy



Photo3: picture of illegal migrant found dead (female) at the coast of Lampedusa, Italy



Photo4: Cameroonian passport of an illegal migrant found on shore, Lampedusa, Italy

Source: frontier police, Cameroon June 2022

Until, this issue of crossing borders (free movement) of persons is given a clear cut definition or implemented equitably by the countries involved in bilateral relations, the illegal and dead record situations witnessed around the world would be a multiplier effect for the inferior party.

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