



*The Ministry of Foreign Affairs and International Cooperation
Republic of Sierra Leone
OAU Drive, Tower Hill, Freetown*

Ref: 3079/155

12 October 2018

From:

The Director-General and Ambassador-at-Large
Ministry of Foreign Affairs and International Cooperation
Tower Hill
Freetown

To:

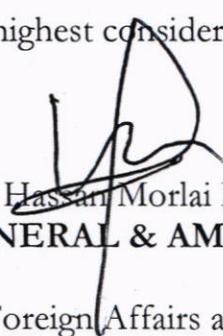
The Clerk of Parliament
Parliament Building
Tower Hill
Freetown

Dear Sir

Ratification of the Agreement between the Government of the Republic of Sierra Leone and the Government of the People's Republic of China on Mutual Visa Exemption for holders of Diplomatic and Service Passports

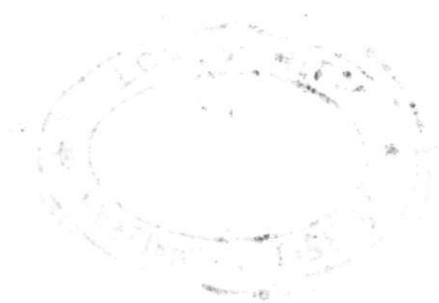
I am directed to refer to the above subject-matter and to submit the abovementioned Agreement and respectfully request dates for the Honourable Minister of Foreign Affairs and International Cooperation to lay the said Agreement before this Honourable House for ratification.

Please accept the assurance of my highest consideration as I await to hear from you.


Patrick Hassan Morlai Koroma

FOR: DIRECTOR-GENERAL & AMBASSADOR-AT-LARGE

CC: The Honourable Minister of Foreign Affairs and International Cooperation



EXPLANATORY MEMORANDUM

to the Agreement between the Government of the Republic of Sierra Leone and the Government of the People's Republic of China on Mutual Visa Exemption for holders of Diplomatic and Service Passports

This Agreement was signed during former President Ernst Bai Koroma's State Visit to China in December 2016. It supports and strengthens friendship ties between Sierra Leone and China.

This Agreement will add China among the countries Sierra Leone has visa-free travel facility. With this Agreement, citizens of our two countries holding diplomatic or service passports are to be exempted from visa requirements for entry into, exit from or transit through the territory of each our countries for a period of no more than thirty (30) days.

There are over 30 African countries that already have mutual visa free agreements with China. Sierra Leone is the first African country to establish bilateral diplomatic relations with China in 1971. China is one of Sierra Leone's strategic development partners with Chinese support in the forms of loans and grants towards training and education, health, agriculture, investment, trade, infrastructure, humanitarian assistance, etc.

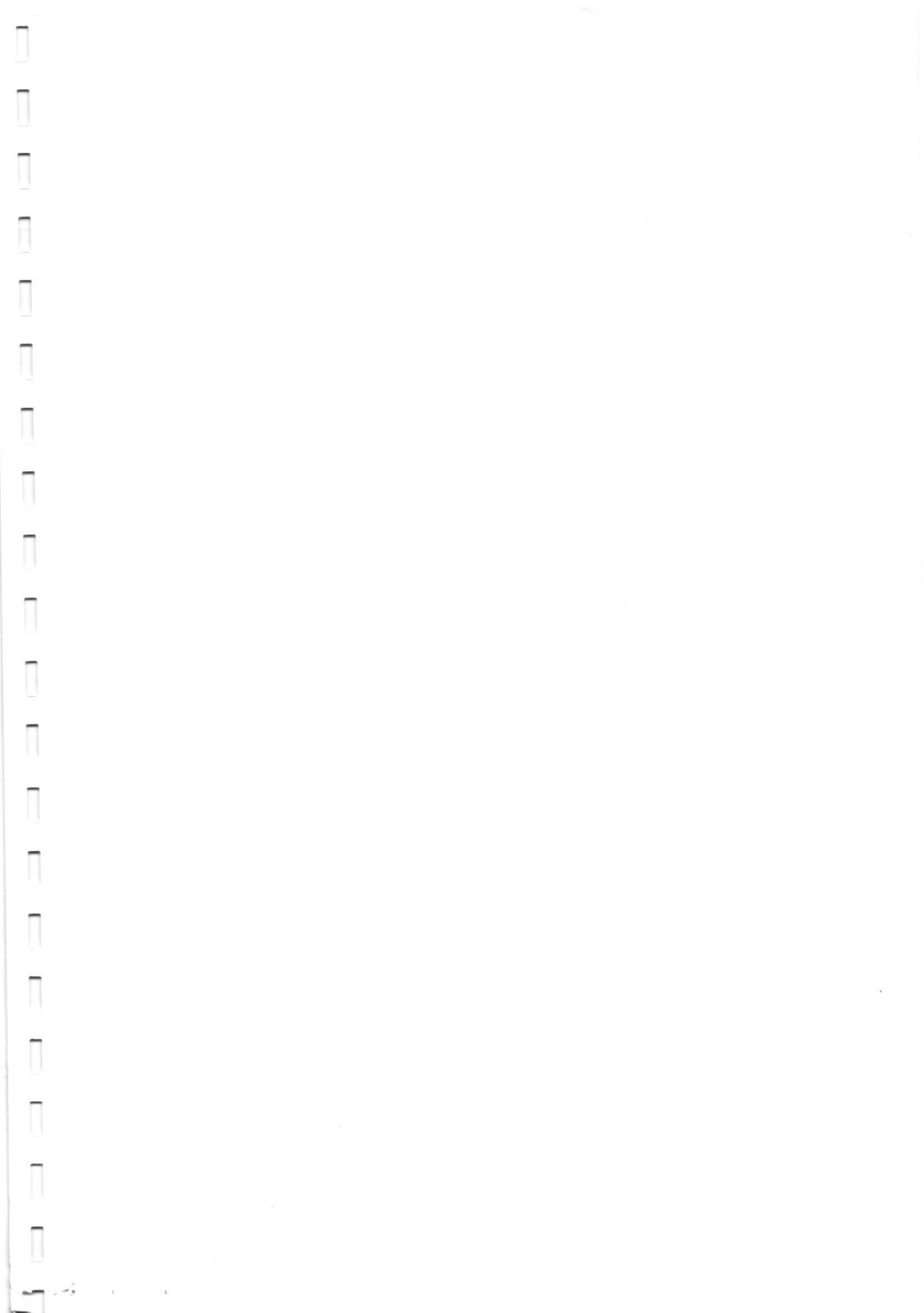
An immediate benefit following the ratification of this Agreement is that many government officials will notice a relief from the requirement of having to apply for, attend interview and waiting to be issued a visa to travel to China. This will be a tremendous time saving facility for our government officials. In the event of a late change of officers to travel to China then this visa exemption facility will enable the replacement officer to travel to China without having to worry about time to apply for a visa. This situation arose during the recent August 2018 State Visit and Forum on China-Africa Cooperation (FOCAC) to China. Shortly before the trip, the State Chief of Protocol was bereaved and could not travel with His Excellency the President. So, the Deputy State Chief of Protocol stepped in but not until after hurried efforts to obtain a visa for him. With the ratification of this Agreement, such rushed steps would not be necessary as the officer will travel without the need for a visa.

The focal person for this Agreement, on behalf of the Director-General and Ambassador-at-Large, to liaise with Parliament is:

Patrick Hassan Morlai Koroma
Director, Human Rights and Compliance
Legal Affairs and International Conventions Division
Email: pkoroma@foreignaffairs.gov.sl
Telephone: 076335579

Done: Ministry of Foreign Affairs and International Cooperation

Dated: 12 October 2018



AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF SIERRA LEONE
AND
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA
ON MUTUAL VISA EXEMPTION FOR HOLDERS OF
DIPLOMATIC AND SERVICE PASSPORTS

The Government of the Republic of Sierra Leone and the Government of the People's Republic of China (Hereinafter referred to as "Contracting Parties"),

Willing to support and strengthen their friendship ties,

HAVE agreed as follows:

Article 1

Citizens of the Republic of Sierra Leone holding valid diplomatic or service passports of the Republic of Sierra Leone, and the citizens of the People's Republic of China holding valid diplomatic or service passports (including passports for public affairs) of the People's Republic of China, shall be exempted from visa requirements for entry into, exit from or transit through the territory of the other Contracting Party.



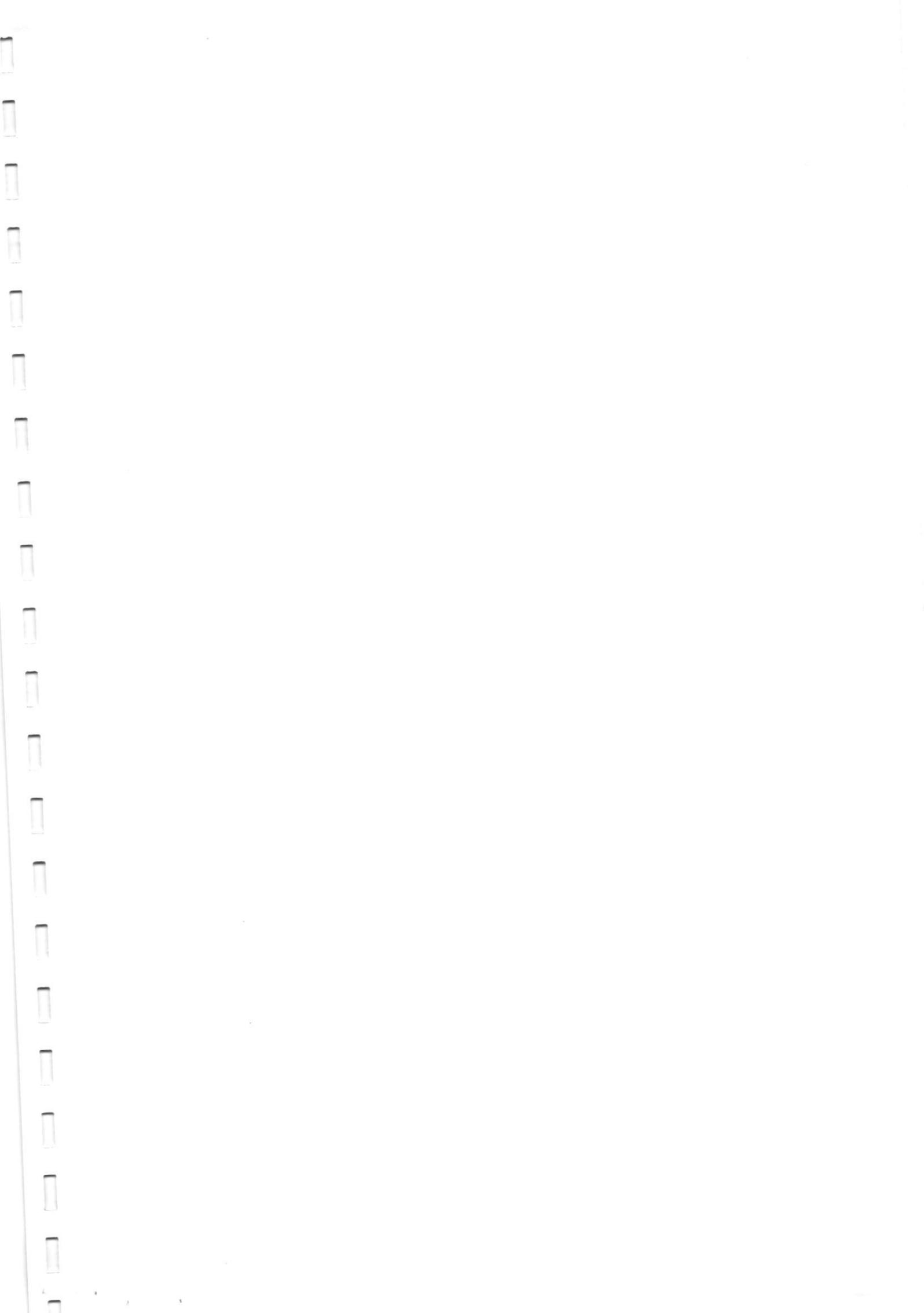
Article 2

1. Citizens of either Contracting Party referred to in Article 1 of this Agreement who intend to enter into, exit from, transit through and stay in the territory of the other Contracting Party, shall be exempted from visa requirement for a period of no more than thirty (30) days from the date of entry.

2. Citizens of either Contracting Party referred to in Article 1 of this Agreement, who intend to stay longer than thirty (30) days in the territory of the other Contracting Party, shall go through necessary registration procedures in accordance with the relevant regulations of the competent authorities of the other Contracting Party.

Article 3

Members of diplomatic mission, consular post or international organizations holding the passports referred to in Article 1 of this Agreement, as well as their family members holding diplomatic or service passports (including passports for public affairs), shall be exempted from visa requirements for entry into, exit from, transit through or stay in the territory of the other Contracting Party for the duration of their accreditation, provided they have complied with the accreditation



requirements of the other Contracting Party within thirty (30) days after their arrival.

Article 4

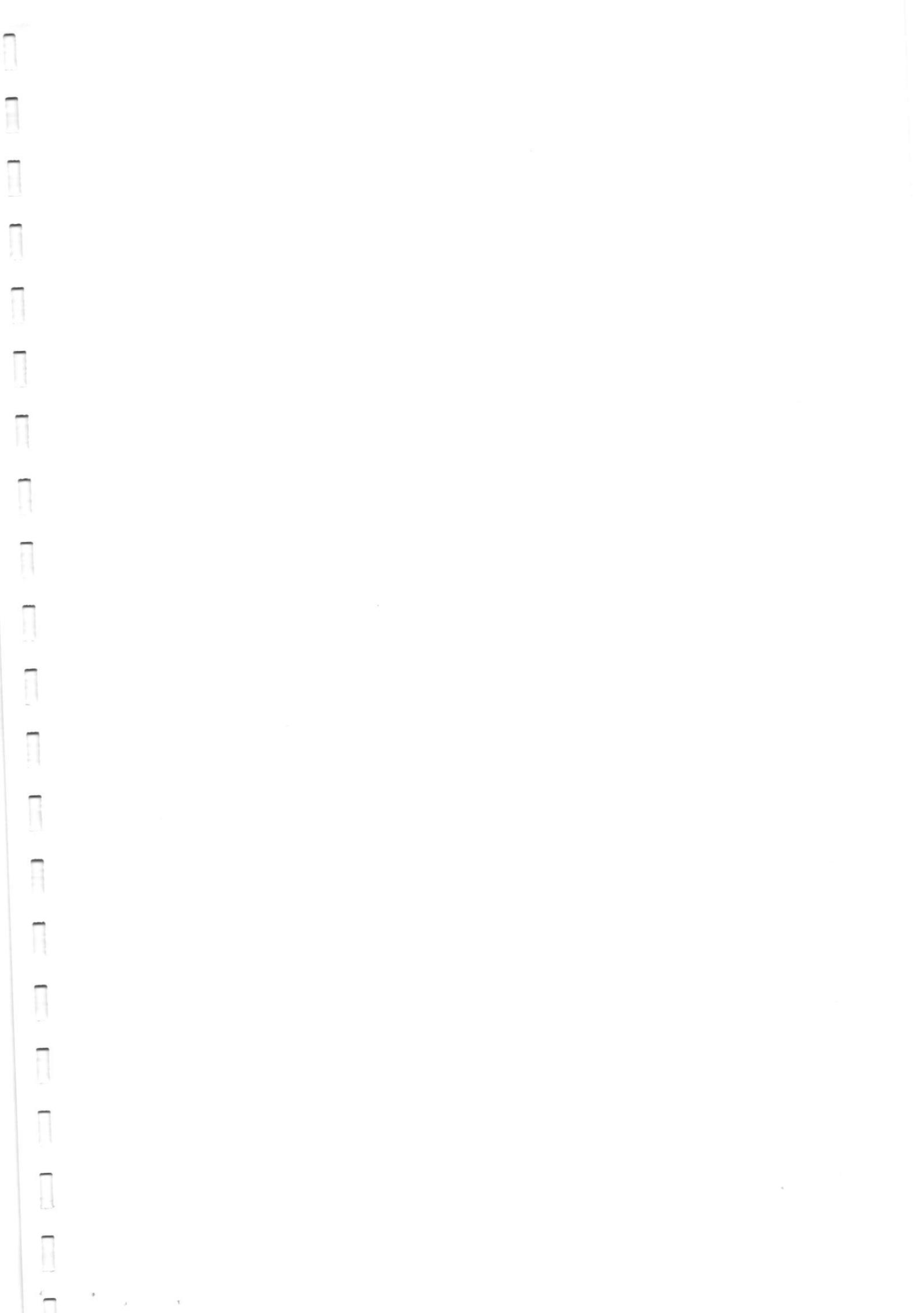
Citizens of either Contracting Party referred to in Article 1 of this Agreement shall enter into, exit from or transit through the territory of the other Contracting Party through ports open to foreigners.

Article 5

Officials at or above vice ministerial level of the central government and officers of or above the rank of major general of the armed forces of either Contracting Party shall obtain the prior consent from the other Contracting Party or inform the competent authorities of the other Contracting Party through diplomatic channels prior to their travel to the other Contracting Party's territory for official purposes.

Article 6

This Agreement does not restrict the right of either Contracting Party to prohibit citizens of the other Contracting Party from entering its territory or terminate their stay in its territory without citing reasons



therefore.

Article 7

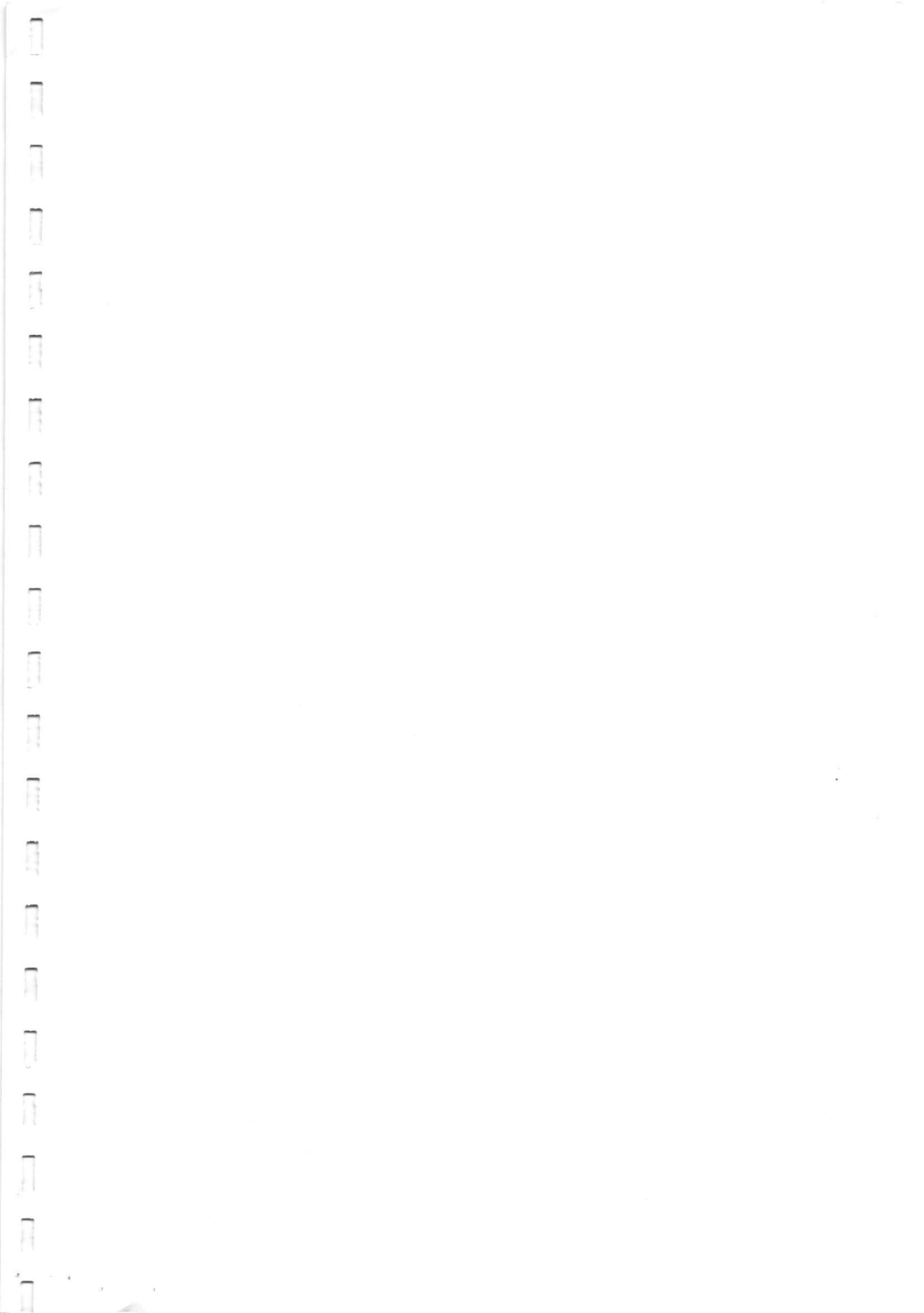
Citizens of either Contracting Party referred to in Article 1 of this Agreement shall abide by the laws and regulations in force of the other Contracting Party when entering into, exiting from, transiting through and staying in the territory of the other Contracting Party.

Article 8

Either Contracting Party may temporarily suspend this Agreement partially or wholly on grounds of national security, public order, public health and etc. However, it shall notify the other Contracting Party, in writing in advance, of its intention to suspend the Agreement and subsequently to cancel the suspension through diplomatic channels.

Article 9

1. For the purpose of implementation of this Agreement, the competent authorities of both Contracting Parties shall exchange, through diplomatic channels, specimens of their passports referred to in Article 1, within thirty (30) days from the date of signing of this Agreement.



Contracting Party wishes to terminate this Agreement, it shall notify the other Contracting Party in writing through diplomatic channels, and this Agreement shall cease to be effective thirty (30) days after the date on which the notification was received.

3. Hereby confirm that the Agreement is to be signed by the representatives designated by both Governments.

Done in duplicate in on 2016, each in the English and Chinese languages, both texts being equally authentic.

For the Government of the
Republic of Sierra Leone



For the Government of the
People's Republic of China





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THIS DOCUMENT IS THE PROPERTY OF THE SIERRA LEONE
GOVERNMENT

CP(

COPY NO.

CABINET

PROPOSAL FOR RATIFICATION OF AGREEMENT ON MUTUAL VISA
EXEMPTION FOR HOLDERS OF DIPLOMATIC AND SERVICE PASSPORTS
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SIERRA LEONE AND
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

Memorandum by the Minister of Foreign Affairs and International Cooperation

1. Recommendations:

Cabinet is invited to:

- I. approve retrospectively the Agreement between the Government of the Republic of Sierra Leone and the Government of the People's Republic of China on Mutual Visa Exemption for holders of Diplomatic and Service Passports signed by the Minister of Foreign Affairs and International Cooperation for Sierra Leone and the Ministry of Foreign Affairs for China.
- II. authorize the Minister of Foreign Affairs and International Cooperation to work in concert with the Attorney General and Minister of Justice and the Minister of Internal Affairs to lay the Agreement before Parliament for ratification;
- III. authorize the Attorney General and Minister of Justice to cause the domestication of the Agreement and where possible, cause the necessary amendment to our national laws to accommodate the provisions of the Agreement referred to herein; and
- IV. designate the Minister of Internal Affairs as the Minister primarily responsible for the implementation of the provisions of the Agreement.

2. Purpose and brief description:

Sierra Leone continues to enjoy excellent and deep bilateral relations with the People's Republic of China since 1971. China has provided substantial support and assistance in several sectors, which include: infrastructure development; capacity building; defence; health; agriculture and youth development programmes.

In a bid to further strengthen the diplomatic and friendship ties between the two countries, during the visit of the erstwhile President Ernest Bai Koroma to China in December 2016, both Governments signed an agreement on mutual visa exemption for holders of Diplomatic and Service Passports.



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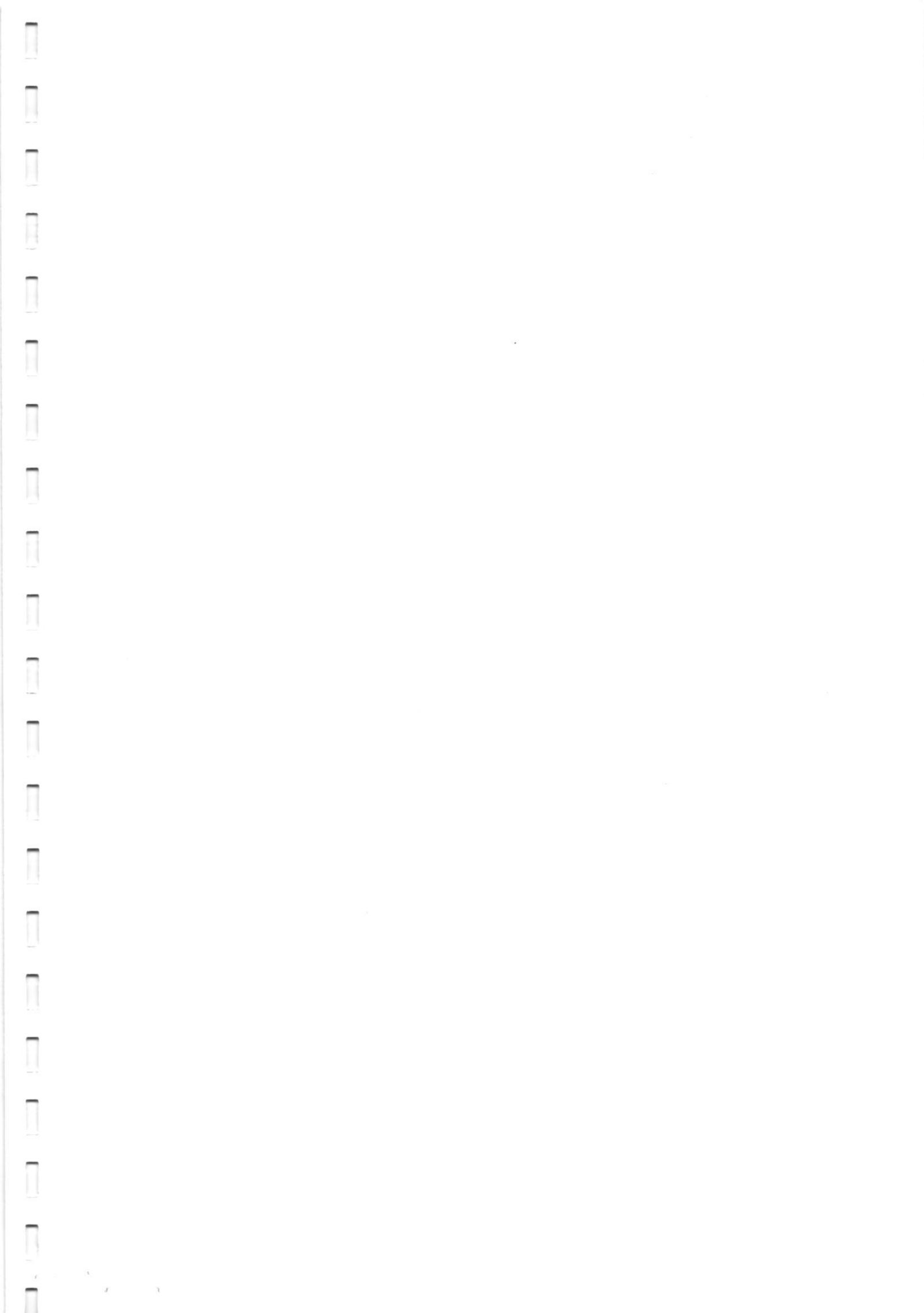
This Ministry learned from communications with the Embassy of China in Freetown in August 2018 that the Chinese side has already completed the legal steps necessary to bring this agreement into force in China. Administrative delays in obtaining concurrences and the 2018 election processes delayed the preparation of this Agreement for Cabinet consideration.

The main features of the Agreement include:

- i. Exempt citizens of Sierra Leone and China from visa requirements for entry into, exit from or transit through the territories of both countries. The exemption shall be for a maximum period of thirty days, after which, citizens shall be subjected to the necessary registration procedures in force in the host country;
- ii. Reinforce the provisions of the Vienna Convention on Diplomatic Relations 1961, by continuing the practice of exempting members of Diplomatic Missions, Consular Posts or International Organisations, including their family members holding passports referred to in the Agreement from visa requirement for the duration of their accreditation;
- iii. Visiting officials from both countries, who are above the rank of Deputy Ministers and Major General in the Armed Forces shall seek the prior consent of the receiving state or notify the appropriate state authority through the usual diplomatic channels prior to their departure. This shall be applicable to officials entering the territory of the other contracting party for official purposes;
- iv. Parties to the Agreement reserve the right to prohibit citizens of the contracting states from entering into their territories or terminate their stay without citing reasons for such action;
- v. Citizens of both countries shall be required to respect and abide by the laws and regulations in force, when entering into, exiting, transiting through and staying in the territory of either party;
- vi. The Agreement makes provision for a conflict resolution/redress mechanism through consultation and or negotiations. Furthermore, the Agreement can be amended by mutual consent of both parties, and may be temporarily suspended partially or wholly on the grounds of threat to national security, public order, public health, and the like.

3. Strategic relevance and urgency:

Sierra Leone being an integral member of the comity of nations in the international arena, shares mutual aspirations with its bilateral partners to promote friendly diplomatic relations. It is in view of this aspiration that the Government signed the Mutual Visa Exemption Agreement with China, one of our strategic partners, as a means to further promote the existing friendly relations and cooperation between the two countries.



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The signing of the Agreement was necessitated by the emerging trends in a now globalized world, which behoove states to build synergies and consolidate relations with other states for mutual benefit. This represents a positive shift from our traditional foreign relations posture. In represents a positive shift from our traditional foreign relations posture. In realizing our desired goal of pursuing Economic Diplomacy, the implementation of this agreement would be an added ingredient to such efforts.

The New Direction's preference on trade is anchored on placing the highest premium on development and economic diplomacy as a core national interest. In this regard, this Agreement will broaden and deepen diplomatic and friendly ties with China, one of our key bilateral partners. This Agreement is a fulfilment of this aspiration in that citizens with diplomatic and service passports will travel to China to conduct official business, particularly on emergencies, without recourse to visa application, which sometimes causes delays.

In a bid to promote international cooperation as enshrined in Chapter II Section 10 of the 1991 Constitution this Mutual Visa Exemption Agreement has the potential to protect our national interest as espoused by His Excellency President Julius Maada Bio during his address at the State Opening of Parliament on 10th May, 2018. By offering Government officials, the holders of Service and Diplomatic Passports from both countries to travel visa free, this Agreement will further promote cooperation between our two countries.

Several cooperation Agreements have been signed with the People's Republic of China, ranging from health, fisheries and to road infrastructural development. During the implementation of those agreements, particularly, the hospital Partner Assistance Agreement, medical personnel and other technical government officials from both countries will travel to either country to provide services and attend training programmes. This Agreement is therefore very crucial in facilitating travel into the territories of both states to facilitate government business.

4. Expected benefits and target beneficiaries:

The implementation of the Mutual Visa Exemption Agreement will have widespread benefits to the Government and peoples of Sierra Leone:

- i. In the past, Government Officials who intended to travel to China to conduct urgent or official business have experienced delays in processing their visa applications. The implementation of this Agreement will invariably eliminate such delays, and will enable Officials to travel on scheduled dates;



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- ii. This Agreement will further consolidate and deepen the existing friendly and diplomatic ties with China in that it will open up new areas of cooperation that will enhance economic growth and facilitate people to people exchange;
- iii. This Agreement is intended for public officials - the holders of Diplomatic and Service passports. The choice of these categories is due to the fact that they are easy to manage, and their background and conduct could be easily verified by state security apparatus.

5. Other likely impacts:

- i. Implementing a mutual visa exemption regime will have broad intrinsic social and economic benefits, through the promotion of trade and tourism, and people-to-people exchanges between the two countries. China is one of the world's most prominent emerging economies with a very large market for trade and tourism. This will further promote cooperation in these areas, which would enormously benefit our citizens.
- ii. The proposal will not have any adverse effect on women and disadvantaged groups.

6. Evidence that proposed intervention is needed and will work

- i. Since the establishment of diplomatic ties with China in 1971, there has been several cooperation agreements, specifically in infrastructure, health, education and agriculture, which have contributed immensely to the socio-economic development of Sierra Leone. This Agreement further demonstrates the long standing bond between our two countries. The fact that the Heads of State of our two countries signed this Agreement is clear evidence that the Agreement was needed and when implemented, it will eliminate the inconveniences associated with government officials applying for visas to travel to China.
- ii. There are evidences of similar agreements with developing countries, which have worked without any major impediments. China has already concluded similar agreements with 128 nations. For example, in 1993, Benin implemented a similar agreement with the People's Republic of China, which is still in force and has benefitted both countries. This was followed by several other similar agreements with countries like Equatorial Guinea in 2006; Egypt in 2007; the Kingdom of Tonga in 2012; Mauritius in 2013; Djibouti in 2014; Kenya in 2014; Nigeria in 2014; Senegal in 2014; Zimbabwe in 2014; Angola in 2015; Burundi in 2014; Bahamas in 2014; Côte d'Ivoire in 2015; Eritrea in



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2015; Ethiopia in 2015; Ghana in 2015; Mali in 2015; Togo in 2015; Gabon in 2016; Kingdom of Lesotho in 2016; to name a few.

7. Other options considered:

A range of other options were considered, including:

- i. Extending the Visa Exemption to include Ordinary Passport holders, in particular, registered business entities in Sierra Leone or issuing multi-year multiple entry visa to Sierra Leone businesses. This is vital especially for those in the private sector and are not holders of ordinary passports as it will enhance bilateral trade between Sierra Leone and China, one of the largest trade and tourism markets in the world. This would provide an opportunity for Sierra Leone and China to mutually benefit from each country's trade and tourism potentials. However, at this stage, the inclusion of ordinary passport holders is not considered appropriate. Sierra Leone needs to assess and learn from the experience of implementing the current mutual visa exemption to a small category of Diplomatic and Service Passport holders. It is only after a period of operating this scheme that we will be in a position to determine whether it would be appropriate to extend the scheme to ordinary passport holders, which would be a bigger category of beneficiaries to manage.
- ii. The inclusion of gainful employment for dependents of Diplomats, Consular Officers, Technical and Administrative Staff of diplomatic Missions was also considered. This was later thought not to be reasonable given the fact that similar agreements did not include this provision and the exemption is only for a period of thirty days instead of long term stay.

8. Consultation across government:

Other Ministries consulted were the Office of the Attorney General and Minister of Justice and the Ministry of Internal Affairs. They provided concurrences (annexed).

9. Financial implications:

The Agreement has no direct financial obligation attached to it. However, during implementation, there will be indirect cost in the form of visa waiver for Chinese holders of Diplomatic and Service passports visiting Sierra Leone. This implies that none of the parties would directly gain financially from the implementation of the provisions of the agreement.



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10. Legal implications:

The ratification of the Agreement will make its provisions legally binding on the Parties. In this respect, the Attorney General and Minister of Justice was consulted and has proffered comments and concurrence, attached in the Annex.

11. Implementation risks and monitoring:

The following are potential risks that are associated with this Agreement. However, these risks only need be given attention and protected against by robust passport issuing procedures and visa control measures. Therefore, these risks need not prevent the implementation of this Agreement:

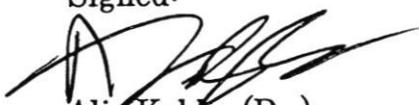
- i. Loss of revenue due to frequent requests for visa waiver: more revenue will be lost on *gratis* visas from our side, given the possible influx of Chinese citizens with Service passports, compared to the corresponding (possible smaller) numbers of Sierra Leonean officials visiting China;
- ii. Unpatriotic citizens using unscrupulous means to obtain Diplomatic and Service passports as a means of securing *gratis* visas to travel to the territory of either party;
- iii. One of the contracting parties reneging on the implementation of key provisions of the agreement.

Annexes:

Annex A: Concurrence/Summary of comments from consulted ministries;

Annex B: Copy of the Cooperation Agreement on Mutual Visa Exemption for holders of Diplomatic and Service Passports.

Signed:



Alie Kabba (Dr.)

Minister of Foreign Affairs and International Cooperation

Date: 20th August 2018



2) Human rights compliance
for your records
and further action
2-2-17



IMMIGRATION DEPARTMENT

14 GLOUCESTER STREET, FREETOWN, SIERRA LEONE

Tel: (00 232 22) 223034/225081 Fax: (00 232 220) 224761.slid@sierratel.sl

From: The Chief Immigration Officer.

To: The Director-General & Ambassador-at-Large,
Ministry of Foreign Affairs.

2nd February, 2017

**REQUEST FOR CONCURRENCE ON COOPERATION AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SIERRA LEONE
AND THE GOVERNMENT OF THE PEOPLES REPUBLIC OF CHINA ON
MUTUAL VISA EXEMPTION FOR HOLDERS OF DIPLOMATIC AND
SERVICE PASSPORTS**

I write relative to the above subject and to inform you that the Immigration Department is in concurrence of the above stated agreement.

It must be noted that as a Department the above agreement re-enforce our obligation of making migration easier and in line with International Treaties and Agreements.

In view of the above, I hereby give concurrence to your ministry in order to facilitate the preparation of the memorandum for approval by cabinet.

Please be assured of our usual Cooperation and accept the sentiments of my highest esteem.

Ansumana A. Marah

For Chief Immigration Officer





SIERRA LEONE GOVERNMENT

REF: L/FA/1

From: The Solicitor-General

To: The Director-General & Ambassador-at-Large, Ministry of Foreign Affairs & International Cooperation

30th March, 2017

Copy: Minister of Foreign Affairs and International Cooperation

REQUEST FOR CONCURRENCE ON COOPERATION AGREEMENT BETWEEN GOVERNMENT OF THE REPUBLIC OF SIERRA LEONE AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ON MUTUAL VISA EXEMPTION FOR HOLDERS OF DIPLOMATIC AND SERVICE PASSPORTS AND COOPERATION AGREEMENT BETWEEN THE REPUBLIC OF SIERRA LEONE AND THE FEDERATION OF SAINT CHRISTOPHER AND NEVIS ON EXEMPTION OF VISA REQUIREMENTS FOR HOLDERS OF DIPLOMATIC, OFFICIAL AND ORDINARY PASSPORTS

We refer to your correspondence culminating with Memorandum NO.15295/42 of 29th March, 2017 pertaining to the above-cited Cooperation Agreements.

1. The Draft Agreements are to be entered into between (a) the Government of the Republic of Sierra Leone and the Government of the People's Republic of China on mutual visa exemption for holders of diplomatic and service passports (b) Republic of Sierra Leone and the Federation of Saint Christopher and Nevis on exemption of visa requirements for holders of diplomatic, official and ordinary passports.
2. It is intended that the Parties to the Agreement referred to in (a) above establish a cooperation mechanism whereby citizens of Sierra Leone and China are exempted from visa requirements for entry into, exit from or transit through the territories of both countries for a maximum period of thirty (30) days. In relation to the Agreement referred to in (b) above, it is intended that the Parties establish a cooperation mechanism whereby holders of valid diplomatic, official or ordinary passports issued by the





GOVERNMENT OF SIERRA LEONE

MINUTE PAPER

MINISTER OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION

- (i) CP(2018)11 issued
- (ii) Below is Extract from Cabinet Minutes of the 4th meeting of 2018:

RATIFICATION OF AGREEMENT ON MUTUAL VISA EXEMPTION FOR HOLDERS OF
DIPLOMATIC AND SERVICE PASSPORTS BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF SIERRA LEONE AND THE GOVERNMENT OF THE PEOPLE'S
REPUBLIC OF CHINA

Memo. No: CP(2018)11

SUMMARY OF PROPOSAL

The Acting Minister of Foreign Affairs and International Cooperation presented a proposal for Cabinet to:

- i. approve the Agreement between the Government of the Republic of Sierra Leone and the Government of the People's Republic of China on Mutual Visa Exemption for holders of Diplomatic and Service Passports signed by the Minister of Foreign Affairs and International Cooperation for Sierra Leone and the Ministry of Foreign Affairs for China;
- ii. authorize the Minister of Foreign Affairs and International Cooperation to work in concert with the Attorney General and Minister of Justice and the Minister of Internal Affairs to lay the Agreement before Parliament for ratification;
- iii. authorize the Attorney General and Minister of Justice to cause the domestication of the Agreement and where possible, cause the necessary amendment to our national laws to accommodate the provisions of the Agreement referred to herein;
- iv. designate the Minister of Internal Affairs as the Minister primarily responsible for the implementation of the provisions of the Agreement.

Since 1971 Sierra Leone has enjoyed excellent and deep bilateral relations with the People's Republic of China, benefiting from substantial support and assistance across several sectors, including infrastructure development,



Republic of Sierra Leone or Federation of St Christopher and Nevis are exempted from visa requirements for entry into, exit from or transit through the territories of both countries for a period not exceeding 90 days.

3. As international Agreements, they are subject to ratification by Parliament by a resolution supported by the votes of not less than one-half of the Members of Parliament pursuant to section 40 subsection (4)(d)(ii) of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991).
4. Subject to the above, we convey our concurrence to the signed Cooperation Agreements.


Alimamy Sesay
Principal State-Counsel
For Solicitor-General

Law Officers' Department
Guma Building
Freetown

