

No. 7395

**FRANCE
and
ALGERIA**

**Exchange of letters and declarations adopted on 19 March
1962 at the close of the Evian talks, constituting an agree-
ment. Paris and Rocher Noir, 3 July 1962**

Official text: French.

Registered by France on 24 August 1964.

**FRANCE
et
ALGÉRIE**

**Échange de lettres et déclarations adoptées le 19 mars 1962
à l'issue des pourparlers d'Évian, constituant un accord.
Paris et Rocher Noir, 3 juillet 1962**

Texte officiel français.

Enregistré par la France le 24 août 1964.

[TRANSLATION — TRADUCTION]

No. 7395. EXCHANGE OF LETTERS AND DECLARATIONS ADOPTED ON 19 MARCH 1962 AT THE CLOSE OF THE EVIAN TALKS, CONSTITUTING AN AGREEMENT¹ BETWEEN FRANCE AND ALGERIA. PARIS AND ROCHER NOIR, 3 JULY 1962

EXCHANGE OF LETTERS

I

*Letter from the President of the French Republic
to the President of the Provisional Executive of the Algerian State*

GENERAL DE GAULLE

Paris, 3 July 1962

Sir,

France has taken note of the results of the vote of 1 July 1962 on self-determination and of the implementation of the Declarations of 19 March 1962. France has recognized the independence of Algeria.

In consequence, and in accordance with chapter V of the General Declaration of 19 March 1962, the powers of sovereignty over the territory of the former French Departments of Algeria are, as from this day, transferred to the Provisional Executive of the Algerian State.

On this significant occasion, I wish to express to you, in deep sincerity, the good wishes of myself and of all France for the future of Algeria.

Accept, Sir, the assurances of my highest consideration.

C. DE GAULLE

Mr. Abderrahmane Fares
President of the Provisional Executive
of the Algerian State

¹ Came into force on 3 July 1962, the date of the exchange of the said letters, in accordance with chapter V of the General Declaration.

II

*Letter from the President of the Executive of the Algerian State
to the President of the French Republic*

PROVISIONAL EXECUTIVE OF THE ALGERIAN STATE
THE PRESIDENT

Rocher Noir, 3 July 1962

Sir,

I have the honour, on behalf of the Algerian Provisional Executive, to acknowledge receipt of your message and to take note of the official recognition, by the French Republic, of the independence of Algeria.

In consequence, in accordance with chapter V of the Evian Declarations of 19 March 1962, the powers of sovereignty over Algerian territory have this day been transferred to the Provisional Executive.

I thank you for the sincere good wishes which you address to Algeria, and on behalf of the Provisional Executive I express in my turn, on this historic day, sincere good wishes for France and for active and fruitful co-operation between our two countries.

Accept, Sir, the assurances of my highest consideration.

A. FARES

General de Gaulle
President of the French Republic

*DECLARATIONS ADOPTED ON 19 MARCH 1962
AT THE CLOSE OF THE EVIAN TALKS*

GENERAL DECLARATION

The French people, by the referendum of 8 January 1961, recognized the right of the Algerians to choose, through a vote by direct and universal suffrage, their political destiny in relation to the French Republic.

The negotiations which took place at Evian from 7 March to 18 March 1962, between the Government of the French Republic and the F.L.N. [Algerian National Liberation Front], culminated in the following conclusions :

A cease-fire is concluded. Military operations and the armed struggle will come to an end throughout Algerian territory on 19 March 1962 at 12 noon.

The guarantees concerning the application of self-determination and the organization of the constitutional authorities in Algeria during the transitional period have been defined in mutual agreement.

Since the formation, after self-determination, of an independent and sovereign State appears to be in line with the realities of the Algerian situation and, in these circumstances, co-operation between France and Algeria corresponds to the interests of the two countries, the French Government considers, together with the F.L.N., that the independence of Algeria in co-operation with France is the solution for which this situation calls. The Government and the F.L.N. have therefore defined this solution, by mutual agreement, in Declarations which will be submitted to the electors for approval at the time of the vote on self-determination.

Chapter I

ORGANIZATION OF THE CONSTITUTIONAL AUTHORITIES DURING THE TRANSITIONAL PERIOD, AND GUARANTEES OF SELF-DETERMINATION

(a) The vote on self-determination will enable the electors to make known whether they wish that Algeria should be independent and, in that case, whether they wish that France and Algeria should co-operate under the conditions defined by the present Declarations.

(b) This vote will take place throughout Algerian territory, i.e. in the following fifteen Departments : Algiers, Batna, Bône, Constantine, Médéa, Mostaganem, Oases, Oran, Orléansville, Saïda, Saoura, Sétif, Tiaret, Tizi-Ouzou, Tlemcen.

The results of the different voting offices will be totalized and proclaimed for the entire territory.

(c) The freedom and the genuineness of the vote will be guaranteed in conformity with the regulations¹ prescribing the conditions for the vote on self-determination.

(d) Until self-determination has been realized, the constitutional authorities in Algeria will be organized in accordance with the regulations¹ accompanying the present Declaration.

A Provisional Executive and a Court of Law and Order shall be established.

The French Republic shall be represented in Algeria by a High Commissioner.

¹ Not published in the United Nations *Treaty Series*; according to information furnished by the French Government, the Regulations prescribing the conditions for the vote on self-determination and the Regulations concerning the provisional organization of the constitutional authorities in Algeria are French internal legislative decrees (published in the *Journal officiel* of 20 March, 1962) which ceased to have effect upon the accession of Algeria to independence and the entry into force of the Declarations of Principles.

These institutions, in particular the Provisional Executive, will be installed as soon as the cease-fire enters into force.

(e) The High Commissioner will be the depositary of the powers of the Republic in Algeria, particularly in matters of defence, security and the maintenance of law and order in the last resort.

(f) The Provisional Executive will, in particular, be responsible for :

—Ensuring the management of Algeria's own public affairs. It will direct the administration of Algeria and will have the task of admitting Algerians to positions in the various branches of that administration ;

—Maintaining law and order. For this purpose, it will have police services and a security force under its authority ;

—Preparing and implementing self-determination.

(g) The Court of Law and Order will consist of an equal number of European and Moslem judges.

(h) The full exercise of individual and public freedoms will be re-established within the shortest possible time.

(i) The F.L.N. will be considered a legal political body.

(j) Persons interned, whether in France or in Algeria, will be released within a maximum period of twenty days from the date of the cease-fire.

(k) An amnesty will be proclaimed immediately. Persons held in custody will be released.

(l) Persons in refuge abroad will be able to return to Algeria. Commissions sitting in Morocco and Tunisia will facilitate such return.

Persons who have been relocated will be able to return to their regular place of residence.

The Provisional Executive will take the initial social, economic and other measures for the return of these people to a normal life.

(m) The vote on self-determination will take place within a period of not less than three months and not exceeding six months. The date of the vote will be fixed at the proposal of the Provisional Executive within the two months following its installation.

Chapter II

INDEPENDENCE AND CO-OPERATION

If the solution of independence and co-operation is adopted, the content of the present Declarations will be binding on the Algerian State.

A. INDEPENDENCE OF ALGERIA

I. *The Algerian State will exercise its full and complete sovereignty both internally and externally.*

This sovereignty will be exercised in all spheres, and particularly in national defence and foreign affairs.

The Algerian State will freely establish its own institutions and will choose the political and social régime which it deems to be most in conformity with its interests. At the international level, it will define and implement in full sovereignty the policy of its choice.

The Algerian State will subscribe unreservedly to the Universal Declaration of Human Rights, and will base its institutions on democratic principles and on equality of political rights as between all citizens, without discrimination on grounds of race, origin or religion. It will, in particular, apply the guarantees to which citizens of French civil status are entitled.

II. *Individual rights and freedoms and their guarantees.*1. *Common provisions*

No one shall be subject to police or judicial measures, to summary punishment or to any discrimination, on account of :

- Opinions expressed at the time of events which occurred in Algeria before the date of the vote on self-determination ;
- Acts committed at the time of those events before the date of proclamation of the cease-fire.

No Algerian shall be forced to leave Algerian territory or be prevented from leaving it.

2. *Provisions concerning French citizens of ordinary civil status*

(a) Within the framework of Algerian legislation on nationality, the legal situation of French citizens of ordinary civil status shall be regulated according to the following principles :

For a period of three years from the date of self-determination, French citizens of ordinary civil status,

- Born in Algeria and giving proof of ten years' permanent and regular residence on Algerian territory at the date of self-determination,
- Or giving proof of ten years' permanent and regular residence on Algerian territory at the date of self-determination and whose father or mother was born in Algeria and fulfils or could have fulfilled the conditions for the exercise of civil rights,

—Or giving proof of twenty years' permanent and regular residence on Algerian territory at the date of self-determination, shall enjoy, *ipso facto*, Algerian civil rights and shall accordingly be regarded as French nationals exercising Algerian civil rights.

French nationals exercising Algerian civil rights may not simultaneously exercise French civil rights.

They shall, at the end of the above-mentioned period of three years, acquire Algerian nationality by applying for registration or confirmation of their registration on the electoral rolls. Failing such application, they shall enjoy the benefits of an establishment convention.

(b) In order to ensure, during a period of three years, for French nationals exercising Algerian civil rights, and permanently, at the end of that period, for Algerians of French civil status, the protection of their persons and property and their normal participation in Algerian life, the following measures are provided for :

They will have a fair and genuine share in public affairs. In the assemblies, their representation shall correspond to their actual numbers. In the various branches of the civil service, they will be assured of fair participation.

Their participation in the municipal life of Algiers and Oran will be the subject of special provisions.

Their property rights will be respected. No measures of dispossession will be taken against them without their being granted fair compensation previously established.

They will receive guarantees appropriate to their cultural, linguistic and religious characteristics. They will retain their personal status, which will be respected and enforced by Algerian courts comprised of judges of the same status. They will use the French language within the assemblies and in their relations with the constituted authorities.

An association for the safeguarding of their rights will contribute to the protection of the rights which are guaranteed to them.

A Court of Guarantees, an institution of domestic Algerian law, will be responsible for ensuring that these rights are respected.

B. CO-OPERATION BETWEEN FRANCE AND ALGERIA

The relations between the two countries will be based, in mutual respect of their independence, on reciprocity of benefit and on the interests of the two parties.

Algeria shall guarantee the interests of France and the rights acquired by individuals and legal entities under the conditions established by the present Declarations. In exchange, France will grant to Algeria technical and cultural assistance and will contribute preferential financial aid for its economic and social development.

1. For a period of three years, which may be renewed, France's aid will be provided under conditions comparable, and at a level equivalent, to those of the programmes currently in operation.

Subject to respect for Algeria's independence with regard to trade and Customs, the two countries will determine the various fields in which trade between them will receive preferential treatment.

Algeria will belong to the franc area. It will have its own currency and its own assets in foreign exchange. There will be freedom of transfers between France and Algeria, under conditions compatible with the economic and social development of Algeria.

2. In the existing Departments of the Oases and the Saoura, the wealth of the subsoil will be developed according to the following principles :

(a) Franco-Algerian co-operation will be ensured by a technical body for Saharan co-operation. This body will have a membership representing both sides equally. Its role will be, in particular, to develop the infrastructure necessary for the exploitation of the subsoil, to give advice on Bills and draft regulations concerning mining, and to examine requests for entitlements in regard to mining. The Algerian State will issue entitlements in regard to mining and will enact mining legislation in full sovereignty.

(b) French interests will be assured, in particular, through :

- The exercise, in accordance with the rules of the Saharan petroleum code, as it exists at present, of the rights attaching to mining entitlements issued by France ;
- The according of preference, other offers being equal, to French companies in the granting of new mining entitlements, in accordance with the terms and conditions provided for in Algerian mining legislation ;
- Payment in French francs for Saharan hydrocarbons up to the amount required for the supply of France and the other countries of the franc area.

3. France and Algeria will develop their cultural relations.

Each country may create on the territory of the other a university and cultural office whose establishments shall be open to all.

France will lend its aid for the training of Algerian technicians.

French personnel, in particular teachers and technicians, will be placed at the disposal of the Algerian Government by agreement between the two countries.

Chapter III

SETTLEMENT OF MILITARY QUESTIONS

If the solution of Algerian independence and of co-operation between Algeria and France is adopted, military questions will be settled according to the following principles :

- The French forces, whose strength will have been gradually reduced as from the cease-fire, will be withdrawn from the frontiers of Algeria as soon as self-determination is realized. Their strength will be reduced to 80,000 men within twelve months from the date of self-determination. The repatriation of these forces will have to have been completed by the end of a second period, of twenty-four months. Military installations will be evacuated *pari passu*.
- Algeria shall lease to France the use of the base at Mers-el-Kébir for a period of fifteen years, which may be renewed by agreement between the two countries.
- Algeria shall also grant to France the use of certain military airfields, grounds, sites and installations necessary to France.

Chapter IV

SETTLEMENT OF DISPUTES

France and Algeria will resolve differences that may arise between them by means of peaceful settlement. They will have recourse either to conciliation or to arbitration. Failing agreement on these procedures, each of the two States may have direct recourse to the International Court of Justice.

Chapter V

CONSEQUENCES OF SELF-DETERMINATION

Upon the official announcement provided for in article 27 of the regulations on self-determination, the instruments corresponding to these results will be drawn up.

If the solution of independence and co-operation is adopted :

- The independence of Algeria will immediately be recognized by France ; the transfer of powers will be effected forthwith ;
- The regulations set forth in the present General Declaration and in
- The Declarations accompanying it will enter into force at the same time.

The Provisional Executive will organize, within three weeks, elections for the constitution of the Algerian National Assembly, to which it will transfer its powers.

DECLARATION OF GUARANTEES

Part one

GENERAL PROVISIONS

1. PERSONAL SAFETY

No one may be harassed, sought after, prosecuted or convicted, or be subjected to penal sentence, summary punishment or any discrimination whatsoever, for acts committed in connexion with political events that occurred in Algeria before the date of the proclamation of the cease-fire.

No one may be harassed, sought after, prosecuted or convicted, or be subjected to penal sentence, summary punishment or any discrimination whatsoever, on account of words spoken or opinions expressed in connexion with political events that occurred in Algeria before the date of the vote on self-determination.

2. FREEDOM OF MOVEMENT BETWEEN ALGERIA AND FRANCE

Unless a court rules otherwise, any Algerian holding an identity card shall have freedom of movement between Algeria and France.

Algerians leaving Algerian territory with the intention of establishing themselves in another country may remove their personal property from Algeria.

They may, without restriction, dispose of their real estate and transfer the resulting capital under the conditions provided for by the Declaration of Principles concerning Economic and Financial Co-operation. Their pension rights shall be respected under the conditions provided for in that Declaration.

*Part two**Chapter I*

EXERCISE OF ALGERIAN CIVIL RIGHTS

Within the framework of Algerian legislation on nationality, the legal situation of French citizens of ordinary civil status shall be regulated in accordance with the following principles :

For a period of three years from the date of self-determination, French citizens of ordinary civil status,

- Born in Algeria and giving proof of ten years' permanent and regular residence on Algerian territory at the date of self-determination,
- Or giving proof of ten years' permanent and regular residence on Algerian territory at the date of self-determination, and whose father or mother was born in Algeria and fulfils or could have fulfilled the conditions for the exercise of civil rights,

—Or giving proof of twenty years' permanent and regular residence on Algerian territory at the date of self-determination,

shall enjoy, *ipso facto*, Algerian civil rights and shall accordingly be regarded as French nationals exercising Algerian civil rights.

French nationals exercising Algerian civil rights may not simultaneously exercise French civil rights.

They shall, at the end of the above-mentioned period of three years, acquire Algerian nationality by applying for registration or confirmation of their registration on the electoral rolls. Failing such application, they shall enjoy the benefits of an establishment convention.

Chapter II

PROTECTION OF THE RIGHTS AND FREEDOMS OF ALGERIAN CITIZENS OF ORDINARY CIVIL STATUS

In order to ensure for Algerians of ordinary civil status the protection of their persons and property and their harmonious participation in Algerian life, the measures enumerated in the present chapter are provided for.

French nationals exercising Algerian civil rights under the conditions provided for in chapter I above shall benefit from these same measures.

1. Algerians of ordinary civil status shall enjoy the same treatment and the same guarantees in law and in fact as those accorded to other Algerians. They shall be subject to the same duties and to the same obligations.

2. The rights and freedoms defined in the Universal Declaration of Human Rights shall be guaranteed to Algerians of ordinary civil status. In particular, no discriminatory measures may be taken against them on account of their language, their culture, their religion or their personal status. Their characteristic features in this regard shall be recognized and must be respected.

3. Algerians of ordinary civil status shall, for a period of five years, be exempt from military service.

4. Algerians of ordinary civil status shall have a fair share in the conduct of public affairs, with regard both to the general affairs of Algeria and to those of local communities, public establishments and public enterprises.

Within the framework of a single electoral college common to all Algerians, Algerians of ordinary civil status shall enjoy the right to vote and to be elected to office.

5. Algerians of ordinary civil status shall be fairly and genuinely represented in all political, administrative, economic, social and cultural assemblies.

(a) In the political assemblies and in the administrative assemblies (regional, general and municipal councils), their representation may not be less than their numerical proportion in the population. To this end, in each electoral district, a certain number of seats to be filled will be reserved, according to the proportion of Algerians of ordinary civil status in such district, for Algerian candidates of this status, regardless of the voting method selected.

(b) In the economic, social and cultural assemblies, their representation must take into account their moral and material interests.

6. (a) The representation of Algerians of ordinary civil status in the municipal assemblies will be proportionate to their number in the district concerned.

(b) In all communes where there are more than fifty Algerians of ordinary civil status and where these persons, notwithstanding the application of the provisions of paragraph 5 above, are not represented in the municipal assembly, a special assistant shall be appointed to sit in this assembly in an advisory (but non-voting) capacity.

At the end of the municipal elections, the Algerian candidate of ordinary civil status who has received the greatest number of votes shall be proclaimed special assistant.

(c) Without prejudice to the principles stated in sub-paragraph (a) above, during the four years subsequent to the vote on self-determination the cities of Algiers and Oran will be administered by municipal councils, the chairman or vice-chairman of which will be chosen from Algerians of ordinary civil status.

During this same period, the cities of Algiers and Oran shall be divided into municipal districts the number of which will be not less than ten for Algiers and not less than six for Oran.

In the districts where the proportion of Algerians of ordinary civil status exceeds 50 per cent, the authority placed at the head of the district shall belong to this category of citizens.

7. A fair proportion of Algerians of ordinary civil status will be assured in the various branches of the civil service.

8. Algerians of ordinary civil status shall be entitled to avail themselves of their non-Koranic personal status until the promulgation in Algeria of a civil code, in the drafting of which they will take part.

9. Without prejudice to the guarantees resulting, as regards the composition of the Algerian judiciary, from the regulations concerning the participation of Algerians of ordinary civil status in the civil service, the following specific guarantees shall be provided in judicial matters :

A. However the judiciary in Algeria may be organized in the future, it will in all cases include, so far as Algerians of ordinary civil status are concerned :

- A two-level court system, which shall also apply to examining courts ;
- A jury in criminal cases ;
- Traditional means of appeal : application to court of cassation and appeal for mercy.

B. In addition, throughout Algeria :

(a) All civil and criminal courts before which an Algerian of ordinary civil status must appear must include an Algerian judge of the same status.

Moreover, if the court pronouncing decision includes a jury, one third of the jurors will be Algerians of ordinary civil status.

(b) In all criminal courts under a single judge before which an Algerian of ordinary civil status must appear and in which the judge is not an Algerian of the same status, the single judge will be assisted by an assessor (*échevin*) who will be chosen from Algerians of ordinary civil status and will sit in an advisory capacity.

(c) All litigation concerned exclusively with the personal status of Algerians of ordinary civil status will be brought before a court comprising a majority of judges having this status.

(d) In all courts in which the presence of one or more judges of ordinary civil status is required, these judges may be assisted by French judges seconded under technical co-operation.

10. Algeria shall guarantee freedom of conscience and the freedom of the Catholic, Protestant and Jewish faiths. It shall ensure for these faiths freedom of organization, practice and instruction, as well as the inviolability of their places of worship.

11. (a) Official texts shall be published or made known in the French language at the same time as in the national language. The French language shall be used in relations between the Algerian public services and Algerians of ordinary civil status. The latter shall have the right to use the French language particularly in political, administrative and judicial matters.

(b) Algerians of ordinary civil status shall be free to choose between the various educational establishments and types of education.

(c) Algerians of ordinary civil status, as all other Algerians, shall be free to open and operate educational establishments.

(d) Algerians of ordinary civil status may have access to the French sections which Algeria will organize in its educational establishments of all kinds in accordance with the provisions of the Declaration of Principles concerning Cultural Co-operation.

(e) The share allotted by Algerian radio and television to broadcasts in the French language must correspond to the recognized importance of this language.

12. There will be no discrimination with regard to property belonging to Algerians of ordinary civil status, particularly in so far as requisitioning, nationalization, land reform and taxation are concerned. All expropriation will be subject to fair compensation previously determined.

13. Algeria will establish no discrimination with regard to access to employment. No restrictions, apart from requirements of competence, will be placed on access to any profession.

14. Freedom of association and trade-union freedom shall be guaranteed. Algerians of ordinary civil status shall be entitled to create associations and trade unions and to belong to the associations and trade unions of their choice.

Chapter III

ASSOCIATION FOR THE SAFEGUARDING OF RIGHTS

Algerians of ordinary civil status shall belong, until the statutes enter into force, to an association for the safeguarding of their rights, recognized as serving the public interest and governed by Algerian law.

The purpose of the Association shall be :

- To engage in legal proceedings, e.g. before the Court of Guarantees, in order to defend the individual rights of Algerians of ordinary civil status, in particular the rights enumerated in the present Declaration ;
- To intervene before the constituted authorities ;
- To administer cultural and welfare establishments.

The Association shall be directed, until the approval of its statutes by the competent Algerian authorities, by a Board of Management of nine members, one third to be named by representatives of religious and intellectual activities, one third by the judiciary and one third by members of the Bar.

The Board of Management shall be assisted by a Secretariat responsible to it ; it may open offices in various localities.

The Association shall not be a political party or group. It shall take no part in the exercise of voting rights.

The Association will be constituted as soon as the present Declaration enters into force.

Chapter IV

COURT OF GUARANTEES

Litigation shall be submitted, at the request of any interested Algerian party, to the Court of Guarantees.

This Court shall be composed of :

—Four Algerian judges—two of whom shall be of ordinary civil status—appointed by the Algerian Government ;

—A presiding judge appointed by the Algerian Government on the proposal of the four judges.

The proceedings of the Court will be valid when at least three out of five members are present.

It may order inquiries to be held.

It may annul any regulation or individual decision that conflicts with the Declaration of Guarantees.

It may decide on any measures of compensation.

Its decisions shall be final.

Part three

FRENCH NATIONALS RESIDING IN ALGERIA AS ALIENS

French nationals, with the exception of those enjoying Algerian civil rights, will receive the protection of an establishment convention in accordance with the following principles :

1. French nationals may enter and leave Algeria provided that they hold their French national identity card or a valid French passport.

They will have freedom of movement in Algeria and may establish their residence in the place of their choice.

French nationals resident in Algeria who leave Algerian territory with a view to establishing themselves in another country may take their personal property with them, dispose of their real estate and transfer their capital, under the conditions provided for in title III of the Declaration of Principles concerning Economic and Financial Co-operation, and may retain their pension rights acquired in Algeria, under the conditions provided for in the Declaration of Principles concerning Economic and Financial Co-operation.

2. French nationals will, on Algerian territory, be entitled to equality of treatment with nationals with regard to :

—The enjoyment of civil rights in general ;

—Free access to all professions, together with the necessary rights for their effective practice, in particular the right to manage and establish businesses ;

—The benefits of legislation concerning relief and social security ;

—The right to acquire and transfer ownership of all real and personal property, and the right to administer and use it, subject to provisions concerning land reform.

3. (a) French nationals will enjoy on Algerian territory all the freedoms set forth in the Universal Declaration of Human Rights.

(b) French nationals shall have the right to use the French language in all their relations with the courts and the public authorities.

(c) French nationals may open and operate private educational and research establishments in Algeria, in accordance with the provisions of the Declaration of Principles concerning Cultural Co-operation.

(d) Algeria shall open its educational establishments to French nationals. The latter may request permission to follow the courses provided by the sections contemplated in the Declaration of Principles concerning Cultural Co-operation.

4. The persons, property and interests of French nationals will be placed under the protection of the laws, which is substantiated by free access to the courts. They will be exempt from the deposit of security for payments under judgements.

5. No arbitrary or discriminatory measures will be taken against the acquired property, interests and rights of French nationals. No one may be deprived of his rights, without fair compensation previously determined.

6. The personal status of, including the inheritance system for, French nationals will be governed by French law.

7. Algerian legislation will eventually determine the civil and political rights granted to French nationals on Algerian territory, and the conditions for their admission to public employment.

8. French nationals may participate, within the framework of Algerian legislation, in the activities of trade unions, associations for the protection of professional rights and organizations representing economic interests.

9. Civil and trading companies established under French law, which have their head offices in France and are or will be economically active in Algeria, will enjoy on Algerian territory all the rights, defined by the present text, to which a legal entity is entitled.

10. French nationals may obtain on Algerian territory administrative concessions, authorizations and permissions and may conclude public contracts under the same conditions as those governing Algerian nationals.

11. French nationals shall not on Algerian territory be subject to duties, taxes or levies, of whatever description, different from those imposed upon Algerian nationals.

12. Subsequent provisions will be made with a view to preventing and punishing tax evasion and avoiding double taxation. French nationals will benefit on Algerian territory, on a footing of equality with Algerian nationals, from all provisions making the State or public organizations responsible for compensation in respect of damage suffered by persons or property.

13. No measure for the deportation of a French national deemed dangerous to law and order will be implemented before the French Government has been informed thereof. Except in a case of absolute emergency, established by well-grounded decision, a sufficient period of time will be allowed to the person concerned for the settlement of his or her pressing affairs.

His or her property and interests will be safeguarded, under the responsibility of Algeria.

14. Supplementary provisions will form the subject of a later agreement.

DECLARATION OF PRINCIPLES CONCERNING ECONOMIC AND FINANCIAL CO-OPERATION

PREAMBLE

Co-operation between France and Algeria in economic and financial matters shall be on a contractual basis, in accordance with the following principles :

1. Algeria shall guarantee French interests and the acquired rights of individuals and legal entities.

2. France shall undertake, in return, to grant to Algeria technical and cultural assistance and to make to its economic and social development a preferential contribution justified by the extent of existing French interests in Algeria.

3. Within the framework of these reciprocal undertakings, France and Algeria will maintain privileged relations, particularly as regards trade and currency.

TITLE I

FRENCH CONTRIBUTION TO THE ECONOMIC AND SOCIAL DEVELOPMENT OF ALGERIA

Article 1

In order to make a lasting contribution to the continuity of the economic and social development of Algeria, France will continue its technical assistance and preferential financial aid. For an initial period of three years, which may be renewed, this aid will be determined under conditions comparable to and at a level equivalent to those of the programmes currently in operation.

Article 2

French financial and technical aid will apply more especially to the study, execution or financing of the public or private investment projects presented by the

competent Algerian authorities, to the training of Algerian cadres and technicians, and to the provision of French technicians. It will also apply to the transitional measures to be taken with a view to facilitating the re-employment of relocated populations.

The aid may take the form, as the case may be, of deliveries in kind, loans, contributions or joint projects.

Article 3

The competent Algerian and French authorities will take joint action in order to ensure that the aid is fully effective and that it is applied to the purposes for which it was granted.

Article 4

The terms and conditions of co-operation in administrative, technical and cultural matters shall be the subject of special provisions.

TITLE II

TRADE

Article 5

Within the framework of the principle of Algeria's independence with regard to trade and Customs, trade with France, based on the mutual advantage and interest of the two parties, will enjoy the benefits of a special statute corresponding to co-operative relations between the two countries.

Article 6

This statute will specify :

- The institution of preferential tariffs or the absence of duties ;
- Marketing facilities on French territory for Algerian surplus production, through the organization of markets for certain products, with particular regard to price conditions ;
- Restrictions on the free movement of goods, justified in particular by the development of the national economy, the protection of public health and the suppression of fraud ;
- Provisions for air and sea navigation between the two countries, with a view to promoting the development and full use of the two flags.

Article 7

Algerian nationals residing in France, particularly workers, will have the same rights as French nationals, with the exception of political rights.

TITLE III

MONETARY RELATIONS

Article 8

Algeria will belong to the franc area. Its relations with this area will, in addition, be defined contractually on the basis of the principles laid down in articles 9, 10 and 11 below.

Article 9

Conversions of Algerian currency into French currency and vice versa, and transfers between the two countries, shall be made on the basis of the official rates of exchange recognized by the International Monetary Fund.

Article 10

Transfers to France will be free. The total volume and rate of the operations must nevertheless take into account the requirements of the economic and social development of Algeria, as well as Algeria's income in francs, drawn more especially from the financial aid granted by France.

For the application of these principles and with a view to protecting Algeria from the effects of speculation, France and Algeria will act in concert within a joint commission comprising the monetary authorities of the two countries.

Article 11

The agreements concerning monetary co-operation between France and Algeria will, in particular, specify :

- The terms and conditions for transferring the privilege of issue ; the conditions for the exercise of this privilege during the period preceding the establishment of the Algerian Bank of Issue ; and the facilities necessary for the functioning of this Bank ;
- The relations between this Bank of Issue and the Bank of France as regards the conditions for Algeria's participation in the foreign currency pool, the individualization and initial amount of rights to drawings in foreign currency, the granting of contingent additional allocations in foreign currency, the system governing Algerian assets in French francs corresponding to the rights of drawing on foreign currency, and the possibility of overdrafts in French francs ;
- The conditions for the establishment of common regulations with regard to transactions effected in currencies other than those of the franc area.

TITLE IV

GUARANTEE OF ACQUIRED RIGHTS AND PREVIOUS COMMITMENTS

Article 12

Algeria will ensure without any discrimination the free and peaceful enjoyment of patrimonial rights acquired on its territory before self-determination. No one will be deprived of these rights without fair compensation previously determined.

Article 13

Within the framework of land reform, France will grant to Algeria specific aid with a view to the repurchase, in whole or in part, of property rights held by French nationals.

On the basis of a repurchase plan drawn up by the competent Algerian authorities, the terms and conditions of this aid will be determined by agreement between the two countries, so as to reconcile the execution of Algeria's social and economic policy with the normal spacing-out of the financial assistance provided by France.

Article 14

Algeria shall conform all the rights attaching to mining or transport entitlements granted by the French Republic for the exploration, exploitation or transport of liquid or gaseous hydrocarbons and other mineral substances of the thirteen Algerian Departments of the North ; the system governing these entitlements will remain that of all the provisions applicable on the date of the cease-fire.

The present article shall apply to all the mining or transport entitlements issued by France before self-determination ; nevertheless, after the date of the cease-fire no new exclusive permits will be issued for exploration in areas not as yet allocated, unless the areas in question have been advertised for new exploration by a notice published, prior to that date, in the *Journal officiel* of the French Republic.

Article 15

Rights acquired at the date of self-determination in regard to retirement or disability pensions from Algerian organizations shall be guaranteed.

These organizations will continue to ensure the payment of retirement ^{or} disability pensions ; the final taking-over of liability for these pensions, and the terms and conditions of their ultimate repurchase, will be determined by common agreement between the Algerian and the French authorities.

Rights to retirement or disability pensions acquired from French organizations shall be guaranteed.

Article 16

Algeria will facilitate the payment of pensions owed by France to ex-servicemen and retired persons. It will authorize the competent French services to pursue the exercise of their activities on Algerian territory with regard to payments to and care and treatment of the disabled.

Article 17

Algeria shall guarantee to French companies established on its territory, and to companies in which the majority of the capital is held by French individuals or French legal entities, the normal exercise of their activities in conditions excluding any discrimination to their detriment.

Article 18

Algeria shall assume the obligations and enjoy the rights contracted on behalf of itself or of Algerian public establishments by the competent French authorities.

Article 19

Public real estate in Algeria will be transferred to the Algerian State, except, with the agreement of the Algerian authorities, for the premises deemed essential to the normal functioning of temporary or permanent French services.

Public establishments of the State or companies belonging to the State, and responsible for the administration of Algerian public services, will be transferred to Algeria. This transfer will cover the assets applied in Algeria to the management of these public services, as well as the liabilities. Special agreements will determine the conditions in which these transfers will be carried out.

Article 20

Unless otherwise agreed between France and Algeria, the credits and debts expressed in francs and existing at the date of self-determination between individuals or legal entities in public or private law shall be deemed to be expressed in the currency of the place where the contract was concluded.

DECLARATION OF PRINCIPLES ON CO-OPERATION
FOR THE EXPLOITATION OF THE WEALTH OF THE SAHARAN SUBSOIL

PREAMBLE

1. Within the framework of Algerian sovereignty, Algeria and France shall undertake to co-operate with each other in order to ensure the continuity of efforts for the exploitation of the wealth of the Saharan subsoil.

2. Algeria shall inherit the rights, prerogatives and obligations of France as a public power granting concessions in the Sahara, for the application of the mining and petroleum legislation, taking into account the provisions under title III of the present Declaration.

3. Algeria and France shall undertake, each in so far as it is concerned, to observe the principles of co-operation set forth above, and to conform with and cause to be applied the following provisions :

TITLE I

LIQUID AND GASEOUS HYDROCARBONS

A. *Guarantee of acquired rights and of their prolongation*

1. Algeria shall confirm all the rights attaching to the mining and transport entitlements granted by the French Republic in pursuance of the Saharan petroleum code.

The present paragraph shall apply to all the mining and transport entitlements issued by France before self-determination ; nevertheless, after the date of the cease-fire, no new exclusive permits will be issued for exploration in areas not as yet allocated, unless the areas in question have been advertised for new exploration by a notice published, prior to that date, in the *Journal officiel* of the French Republic.

(a) The term "mining and transport entitlements" must be understood to mean primarily :

- (1) Prospecting authorizations ;
- (2) Exclusive exploration permits, known as H permits ;
- (3) Temporary exploitation authorizations ;
- (4) Exploitation concessions and their corresponding covenants ;
- (5) Approvals of work projects for the transport of hydrocarbons, and the corresponding transport authorizations.

(b) The term "Saharan petroleum code" must be understood to mean the series of provisions of all kinds applicable, at the date of the cease-fire, to the exploration, exploitation and transport of hydrocarbons produced in the Departments of the Oases and the Saoura and in particular to the transport of these hydrocarbons to the terminal points on the coast.

2. The rights and obligations of the holders of the mining and transport entitlements referred to in paragraph 1 above and of the individuals or legal entities associated with them under protocols, agreements or contracts approved by the French Republic are those defined by the Saharan petroleum code and by the present provisions.

3. The right of the holder of mining entitlements and his associates to transport or cause to be transported by pipelines, under normal economic conditions, his production of liquid or gaseous hydrocarbons to the points where they are refined or loaded and to see that they are exported shall be exercised, with regard to the determination of the layout of the pipelines, in accordance with the recommendations of the Agency.

4. The right of the concessionaire and his associates, within the framework of their own commercial organization or the organization of their choice, to sell and dispose freely of the production, i.e. to sell, trade or use it in Algeria or for export, shall be exercised subject to satisfaction of the requirements of Algerian domestic consumption and of local refining.

5. The rates of exchange and the currency parities applicable to all commercial or financial transactions must conform to the official parities recognized by the International Monetary Fund.

6. The provisions of the present title shall be applicable without distinction to all holders of mining or transport entitlements and to their associates, whatever the legal nature, origin or distribution of their capital and irrespective of any nationality status of the staff or locality of the head office.

7. Algeria will refrain from any measure likely to make more costly or to hinder the exercise of the rights guaranteed above, taking into account normal economic conditions. It will not prejudice the rights and interests of stockholders, shareholders or creditors of holders of mining or transport entitlements, of their associates, or of enterprises acting on their behalf.

B. *Guarantees for the future (new mining or transport entitlements)*

8. During a period of six years from the entry into force of the present provisions, Algeria will give preference to French companies with regard to exploration and exploitation permits, all offers being equal, for areas which have not yet been allocated or have become available. The regulations applicable will be those defined by existing Algerian legislation, French companies, however, remaining subject to the Saharan petroleum code referred to in paragraph 1 above, as regards mining entitlements covered by the guarantee of acquired rights.

The term "French companies," as used in the present paragraph, must be understood to mean those companies control of which is in fact ensured by French individuals or legal entities.

9. Algeria shall refrain from any discriminatory measures to the detriment of French companies and their associates engaged in the exploration, exploitation or transport of liquid or gaseous hydrocarbons.

C. *Common provisions*

10. Transactions for the purchase and sale for export of hydrocarbons of Saharan origin intended directly or through technical exchange for the supply of France and the other countries of the franc area shall be settled in French francs.

The export of Saharan hydrocarbons outside the franc area shall entitle Algeria to draw on foreign currency up to the amount of the net profit in foreign currency resulting from these transactions ; the agreements on monetary co-operation, referred to in article 11 of the Declaration of Principles concerning Economic and Financial Co-operation, will specify the practical terms and conditions for the application of this principle.

TITLE II

OTHER MINERAL SUBSTANCES

11. Algeria shall confirm all the rights attaching to mining entitlements granted by the French Republic in respect of mineral substances other than hydrocarbons ; the regulations governing these entitlements will remain those of the series of provisions applicable at the date of the cease-fire.

The present paragraph shall apply to all mining entitlements issued by France before self-determination ; nevertheless, after the date of the cease-fire, no new exclusive permits will be issued for exploration in areas not as yet allocated, unless the areas in question have been advertised for new exploration by a notice published, prior to that date, in the *Journal officiel* of the French Republic.

12. French companies may submit applications for new permits and concessions on a footing of equality with other companies ; they will enjoy treatment no less favourable than that accorded to the latter companies for the exercise of the rights deriving from these mining entitlements.

TITLE III

TECHNICAL AGENCY FOR THE EXPLOITATION OF THE WEALTH
OF THE SAHARAN SUBSOIL

13. The rational exploitation of the wealth of the Saharan subsoil shall be entrusted, under the conditions defined in the following paragraphs, to a Franco-Algerian technical agency, hereinafter called "the Agency".

14. Algeria and France shall be the joint founders of the Agency, which will be established as soon as the present Declarations of Principles enter into effect.

The Agency shall be administered by a board to be composed of an equal number of representatives from the two founder countries. Each member of the board, including the chairman, shall have one vote.

The board shall deliberate on all the activities of the Agency. Two-thirds majorities shall be required for decisions concerning :

- The appointment of the chairman and of the director-general ;
- The estimated expenditures referred to in paragraph 16 below.

Other decisions shall be taken by an absolute majority.

The chairman of the board and the director-general must be chosen in such a way that one is of Algerian nationality and the other is of French nationality.

The board shall determine the respective powers of the chairman and of the director-general.

15. The Agency shall have legal status and financial autonomy.

It shall have at its disposal administrative and technical services, preferably composed of staff belonging to the founder countries.

16. The Agency shall be responsible for promoting the rational exploitation of the wealth of the subsoil ; in this respect, it shall in particular be responsible for the development and maintenance of the infrastructure necessary for mining activities.

To this end, the Agency shall each year draw up a draft programme of expenditures, studies, maintenance of equipment and new investments, which it shall submit for approval to the two founder countries.

17. The role of the Agency in mining matters shall be defined as follows :

- (1) Texts of a legislative or regulatory nature concerning mining or petroleum shall be promulgated by Algeria after consultation with the Agency.
- (2) The Agency shall examine applications in respect of mining entitlements and the rights deriving from such entitlements. Algeria shall decide upon the proposals of the Agency and shall issue the mining entitlements.
- (3) The Agency shall ensure the administrative supervision of companies holding permits or concessions.

18. The expenditures of the Agency shall include :

- Current expenditures ;
- Expenditures for the maintenance of existing facilities and equipment ;
- Expenditures for new equipment.

The resources of the Agency shall consist of contributions from the member States, determined in proportion to the number of votes which they hold on the board.

Nevertheless, for a period of three years from the date of self-determination, which may be renewed, these resources shall be supplemented by an additional contribution from Algeria, which will be not less than 12 per cent of the receipts from petroleum taxation.

TITLE IV

ARBITRATION

Notwithstanding any provisions to the contrary, all litigation or disputes between the public authorities and the holders of rights guaranteed by title I.A above shall be dealt with, in first and last instance, by an international court of arbitration the organization and functioning of which will be based on the following principles :

- Each of the parties shall appoint an arbitrator and the two arbitrators will nominate a third arbitrator who will preside over the court of arbitration ; failing agreement on the nomination of this arbitrator, the President of the International Court of Justice will be asked to make this appointment at the request of the first mover ;
- The court of arbitration shall pronounce judgement by a majority vote ;
- Recourse to this court shall constitute a stay ;
- Sentence shall be enforceable on the territory of both parties without proceedings to enforce judgement in the other country ; it shall be recognized as lawfully enforceable outside these territories, within three days following pronouncement of judgement.

DECLARATION OF PRINCIPLES CONCERNING CULTURAL
CO-OPERATION

TITLE I

CO-OPERATION

Article 1

France shall undertake, to the best of its ability, to place at the disposal of Algeria the necessary means for helping it to develop education, vocational training and scientific research in Algeria.

Within the framework of cultural, scientific and technical assistance, France will place at the disposal of Algeria—for purposes of education, the control of studies, the organization of examinations and competitions, the functioning of the administrative services, and research—the teaching personnel, technicians, specialists and research workers which it may need.

This personnel will receive all the facilities and moral guarantees necessary for the fulfilment of its task ; it will be governed by the provisions of the Declaration of Principles concerning Technical Co-operation.

Article 2

Each of the two countries may open on the territory of the other educational establishments and university institutes in which instruction will be given in accordance with its own curricula, syllabuses and teaching methods and will be ratified by its own diplomas ; admission to these schools will be open to nationals of both countries.

France will retain a certain number of educational establishments in Algeria. The list of buildings and the conditions of their distribution between France and Algeria will be the subject of a special agreement.

The curricula in these establishments will include the teaching of the Arabic language in Algeria and of the French language in France. The terms and conditions of control by the country in which the establishment is located will be the subject of a special agreement.

The creation of an educational establishment in one or the other country will be subject to prior notification, enabling the authorities of either country to make their observations and suggestions in order to reach as great a measure of agreement as possible on the terms and conditions for the creation of the establishment in question.

The establishments opened by each country will be attached to a university and cultural office.

Each country will facilitate in every respect the task of the services and persons responsible for the administration and control of the establishments of the other country functioning on its territory.

Article 3

Each country will open its public educational establishments to pupils and students of the other country.

In localities where the number of pupils warrants such a measure, each country will organize, within its own school establishments, sections in which instruction will be given in accordance with the curricula, syllabuses and methods adopted in the public educational system of the other country.

Article 4

France will place at the disposal of Algeria the necessary means for helping it to develop higher education and scientific research and to provide, in these fields, education equal in quality to the corresponding education provided by French universities.

In the Algerian universities, Algeria will organize, to the best of its ability, instruction in basic subjects commonly provided in French universities, under similar conditions with respect to curricula, duration of studies, and examinations.

Article 5

The degrees and diplomas granted in Algeria and in France under the same conditions with respect to curricula, duration of studies and examinations shall automatically be valid in both countries.

Equivalence of degrees and diplomas granted in Algeria and in France under different conditions with respect to curricula, duration of studies or examinations will be determined by means of special agreements.

Article 6

Nationals of each of the two countries, whether individuals or legal entities, may open private educational establishments on the territory of the other country, subject to observance of the laws and regulations concerning law and order, morality, health, conditions regarding diplomas and any other condition which might be stipulated by mutual agreement.

Article 7

Each country will facilitate access by nationals of the other country to the educational and research establishments under its authority, through the organization of training courses and all other suitable methods, and the granting of scholarships, fellowships or loans on trust, which will be awarded to the persons concerned through the authorities of their own country, after consultation between the responsible authorities of both countries.

Article 8

Each of the two countries will ensure on its territory, for members of the public and private teaching profession of the other country, the freedoms and immunities sanctioned by academic tradition.

TITLE II

CULTURAL EXCHANGES

Article 9

Each of the two countries will facilitate the entry into and circulation and distribution on its territory of all the instruments for the expression of thought originating in the other country.

Article 10

Each of the two countries will encourage on its territory the study of the language, history and civilization of the other country, and will facilitate the work undertaken in this field and the cultural activities organized by the other country.

Article 11

The terms and conditions of technical assistance to be furnished by France to Algeria with regard to radio, television and film will be settled at a future date by mutual agreement.

TITLE III

Article 12

The aid provided in the form of economic and financial co-operation shall be applicable to the fields referred to in the present Declaration.

DECLARATION OF PRINCIPLES CONCERNING TECHNICAL
CO-OPERATION*Article 1*

France shall undertake :

(a) To assist Algeria in the matter of technical documentation and to ensure the regular communication, to the Algerian services, of information concerning studies, research and experiments ;

(b) To place at the disposal of Algeria, so far as possible, services and missions of investigation, research or experimentation, with a view either to performing specific work for Algeria according to its directives, or to conducting studies, participating in the fulfilment of projects or contributing to the creation or reorganization of a service ;

(c) To give, to candidates presented by the Algerian authorities and approved by the French authorities, wide access to French educational and training establishments, and to organize for their benefit refresher courses and accelerated educational and training programmes in training schools, in special centres and in the public services ;

(d) To place at the disposal of Algeria, so far as possible, officials of French nationality who will give assistance in technical and administrative matters.

Article 2

In order to maintain continuity of service and to facilitate the organization of technical co-operation, the Algerian authorities shall undertake :

—To transmit to the French Government the lists of the French officials whose duties they intend to terminate, and the list of the posts which they wish to assign to French officials ;

—Not to proceed with the discharge of French officials in employment at the date of self-determination, without first having transmitted the above-mentioned lists to the French Government and having notified the persons concerned under conditions of prior notice to be determined by a supplementary agreement.

Article 3

French officials, except for those enjoying Algerian civil rights, who are in employment at the date of self-determination and whose duties the Algerian authorities do not intend to terminate shall be regarded as being at the disposal of the Algerian authorities, for purposes of technical co-operation, unless such officials express a wish to the contrary.

Article 4

Upon presentation of the lists referred to in article 2, a summary statement of the posts that the French Government shall agree to fill will be drawn up by mutual agreement. It may be revised every two years.

The officials referred to in article 3 and the officials recruited by Algeria in accordance with article 1, sub-paragraph (*d*), will be placed at the disposal of the Algerian authorities for a period fixed, in principle, at two years.

Nevertheless, the Algerian authorities may at any time return the officials to their own Government, subject to conditions as regards notice and respite which will be specified by supplementary agreements.

The French authorities may, by individual measures, terminate the assignment of French officials under conditions which shall not impair the efficiency of the services.

Article 5

The French officials placed at the disposal of the Algerian authorities will, in the performance of their duties, be subject to the Algerian authorities. They may not request or receive orders from any authorities other than the Algerian authorities, to which they will be responsible by reason of the duties entrusted to them. They may not take part in any political activity on Algerian territory. They must refrain from any action likely to injure the material and moral interests of either the Algerian or the French authorities.

Article 6

The Algerian authorities shall render to all the French officials the aid and protection that they grant to their own officials. They shall guarantee to those officials the right to transfer their remuneration to France under the conditions provided for in the Declaration of Principles concerning Economic and Financial Co-operation.

These French officials may not incur any administrative penalty other than their return, on stated grounds, to their own Government. They may not be transferred without their written consent.

Article 7

The terms and conditions for the application of the above principles shall be the subject of supplementary agreements. The latter will in particular regulate, according to the status of these officials, the conditions of their remuneration and the division between France and Algeria of the expenses connected with the transport of the official and his family, any possible allowances, and the State contribution to social security and retirement pensions.

DECLARATION OF PRINCIPLES CONCERNING MILITARY QUESTIONS

Article 1

Algeria shall lease to France the use of the air and naval base of Mers-el-Kébir for a period of fifteen years from the date of self-determination. This lease shall be renewable by agreement between the two countries.

The territory on which the Mers-el-Kébir base is located shall be recognized by France as Algerian territory.

Article 2

The base of Mers-el-Kébir shall be delimited in accordance with the map annexed¹ to the present Declaration.

Around the periphery of the base, Algeria shall agree to grant to France, at the points specified on the annexed map and situated in the communes of El Ançor, Bou Tlélis and Misserghin as well as on Habibas and Plane Islands, the installations and facilities necessary for the operation of the base.

Article 3

The Lartigue airfield and the Arbal installations, the perimeter of which is defined on the map annexed to the present Declaration, will be regarded for a period of three years as part of the Mers-el-Kébir base and will be subject to the same arrangements.

After the Bou-Sfer airfield is brought into service, the Lartigue airfield may be used as a relief field when weather conditions so require. The construction of the Bou-Sfer airfield will be effected within a period of three years.

¹ See insert in a pocket at the end of this volume.

Article 4

For a period of five years France will have the use of the sites on which are located the installations of In-Ekker, Reggane and the Colomb-Béchar-Hamaguir complex, the area of which is delimited on the annexed plan,¹ as well as of the corresponding local technical stations.

The temporary measures required for the external operation of the installations, in particular with regard to land and air traffic, will be taken by the French services in agreement with the Algerian authorities.

Article 5

Facilities for air communications will be placed at the disposal of France under the following conditions :

- For a period of five years at the airfields of Colomb-Béchar, Reggane and In-Amguel. These fields will subsequently be transformed into civilian airfields, where France will retain technical facilities and landing rights.
- For a period of five years at the airfields of Bône and Boufarik, where France will have technical facilities as well as landing, refuelling and repair rights ; the two countries will agree upon the facilities that will subsequently be granted at these two fields.

Article 6

The military installations listed above will in no circumstances be used for offensive purposes.

Article 7

The strength of the French forces will be progressively reduced as from the date of the cease-fire.

The result of this reduction will be to decrease the strength of the forces to 80,000 men within a period of twelve months from the date of self-determination. The repatriation of these forces must be completed by the end of a second period, of twenty-four months. Until the end of this second period, facilities will be placed at the disposal of France in the areas necessary for the regrouping and movement of French forces.

Article 8

The annexes attached hereto shall be an integral part of the present Declaration.

¹ See insert in a pocket at the end of this volume.

ANNEX

WITH REGARD TO MERS-EL-KÉBIR :

Article 1

The rights granted to France at Mers-el-Kébir shall include the use of the soil and subsoil, the territorial waters of the base and the superjacent air space.

Article 2

Only French military aircraft shall have freedom of movement in the air space above Mers-el-Kébir, where the French authorities shall ensure the regulation of air traffic.

Article 3

In the Mers-el-Kébir base, the civilian population shall be administered by the Algerian authorities in all matters not pertaining to the use and operation of the base.

The French authorities shall exercise all the powers necessary for the use and operation of the base, in particular with regard to defence, security, and the maintenance of order in so far as it directly affects defence and security.

They shall ensure the policing and movement of all land, air and sea craft. Constabulary tasks shall be carried out by the military police.

Article 4

The establishment of new residents on the territory of the base may be the subject of necessary restrictions, by agreement between the French authorities and the Algerian authorities.

If circumstances so require, the evacuation of all or part of the civilian population may be ordered by the Algerian authorities at the request of France.

Article 5

Any individual who disturbs the peace, in so far as such action may endanger the defence and security of the base, shall be handed over by the French authorities to the Algerian authorities.

Article 6

Freedom of movement on the routes connecting the installations situated on the periphery of the base and connecting those installations with the Mers-el-Kébir base shall in all circumstances be ensured.

Article 7

The French authorities may rent and purchase on the base any movable and immovable property that they deem necessary.

Article 8

The Algerian authorities will take, at the request of the French authorities, the measures of requisition or dispossession deemed necessary for the activity and operation of the base. These measures will give rise to fair compensation previously determined, payable by France.

Article 9

The Algerian authorities will take measures to ensure the water and electricity supply for the base under all circumstances, as well as the use of the public utilities.

Article 10

The Algerian authorities shall prohibit outside the base any activity liable to jeopardize the use of this base and shall take, in conjunction with the French authorities, all appropriate measures to ensure the security of the base.

WITH REGARD TO SITES :

Article 11

At the sites referred to in article 4 of the Declaration of Principles, France shall maintain such personnel and installation, and such technical equipment and material, as are necessary to it.

Article 12

At the airfields of Reggane, Colomb-Béchar and In-Amguel, the French authorities may maintain such personnel, supplies, installations, and technical equipment and material as they deem necessary.

Article 13

Any unauthorized person, or any person disturbing the peace, at the sites and airfields referred to above shall be handed over to the Algerian authorities by the French authorities.

WITH REGARD TO AIR FACILITIES :

Article 14

France shall control the radar equipment at Réghaïa and Bou-Zizi. This radar equipment shall be used in order to ensure the safety of general air navigation, both civil and military.

Article 15

The Algerian authorities shall ensure the external security of the airfields mentioned in article 5, second sub-paragraph, of the Declaration of Principles and shall, if need be, take appropriate measures outside the airfields to ensure the efficient functioning of the installations.

Article 16

French military aircraft shall have the use, in accordance with the regulations for general traffic, of the air space connecting the airfields which France shall be entitled to use.

Article 17

The French and Algerian meteorological services shall co-operate by assisting each other.

WITH REGARD TO LAND TRAFFIC FACILITIES :

Article 18

The organized units of the French forces and all their material, as well as individual members of these forces, shall be free to move by land between all points where these forces are stationed, by means of existing railways or roads in Algeria.

Large-scale movements will be made with the agreement of the Algerian authorities.

WITH REGARD TO MARITIME TRAFFIC FACILITIES :

Article 19

French government vessels transporting military personnel and material will have access to certain Algerian ports. The means whereby this article is applied will be settled by the two Governments.

Article 20

Access by French warships to Algerian roadsteads and ports will be the subject of subsequent agreements.

WITH REGARD TO TELECOMMUNICATIONS :

Article 21

France shall have the exclusive right to operate the telecommunication facilities of the Mers-el-Kébir base and of the French installations located at the airfields and at the sites referred to in article 4 of the Declaration. France will negotiate the assignment of frequencies directly with the International Telecommunication Union.

Article 22

The French forces may use for their communications the telephone and telegraph circuits of Algeria, in particular the telecommunications infrastructure :

- Oran to Bône, with the relay stations of Chréa, Sétif, Kef-el-Akkal and Bou-Zizi ;
- Oran to Colomb-Béchar with, the relay stations of Saïda, Mécheria and Aïn-Sefra.

Subsequent agreements will determine the conditions for the use of the corresponding technical installations.

WITH REGARD TO THE STATUS OF THE ARMED FORCES IN ALGERIA :

Article 23

For the application of the present statute, the following shall be designated "members of the French Armed Forces" :

- (a) Military personnel of the three armed forces on active duty, in transit or on leave in Algeria ;
- (b) Civilian personnel employed, on a statutory or contractual basis, by the French armed forces, exclusive of Algerian nationals ;
- (c) Dependants of the persons referred to above.

Article 24

Members of the French Armed Forces shall enter and leave Algeria upon presentation of the following documents only :

- A national or military identity card, or passport ;
- For civilians, an identity card and proof of attachment to the French Armed Forces.

They shall have freedom of movement in Algeria.

Article 25

Organized units and detachments shall wear uniform. The wearing of mufti by individuals shall be the subject of subsequent regulations.

Members of the Armed Forces in detachments shall be authorized to carry a visible weapon.

WITH REGARD TO JUDICIAL PROVISIONS :

Article 26

Offences by members of the Armed Forces, either committed on duty or inside French installations, or not involving Algerian interests, particularly as regards law and order, shall be subject to French military jurisdiction. The French authorities may take into custody the alleged perpetrators of such offences.

Article 27

Personnel of Algerian nationality who commit offences inside the installations shall be handed over forthwith to the Algerian authorities for trial.

Article 28

Any offence not referred to in article 26 above shall be subject to the jurisdiction of the Algerian courts.

Nevertheless, either of the two Governments may waive its right of jurisdiction.

Article 29

Members of the French Armed Forces who are brought before the Algerian courts and whose detention is deemed necessary shall be incarcerated in penal establishments appertaining to the French military authorities, which shall cause them to appear at the request of the Algerian judicial authorities.

Article 30

In cases of *flagrante delicto*, members of the French Armed Forces shall be apprehended by the Algerian authorities and shall be handed over forthwith to the French authorities for trial, in so far as the latter exercise their jurisdiction over the persons concerned.

Article 31

Members of the French Armed Forces prosecuted in an Algerian court shall be entitled to the guarantees of fair legal proceedings established by the Universal Declaration of Human Rights and by the practice of democratic States.

Article 32

The French State will make fair reparation for any damage caused by the Armed Forces and their members in the course of duty, where such damage has been duly established. In case of dispute, the two Governments will have recourse to arbitration.

Subject to the provisions of the preceding paragraph, the Algerian courts shall have jurisdiction in civil actions brought against members of the Armed Forces. The French authorities shall lend their assistance to the Algerian authorities, at the request of the latter, in order to ensure the enforcement of the decisions of the Algerian courts in civil cases.

WITH REGARD TO ECONOMIC AND FINANCIAL PROVISIONS :

Article 33

The French Armed Forces and their members may obtain locally the goods and services that are necessary to them, on a footing of equality with Algerian nationals.

Article 34

The French military authorities may operate an army postal service and a military paymaster's office.

Article 35

Fiscal provisions will be settled by subsequent agreements.

DECLARATION OF PRINCIPLES CONCERNING
THE SETTLEMENT OF DIFFERENCES

France and Algeria will settle differences that may arise between them by peaceful means. They will have recourse either to conciliation or to arbitration. Failing agreement on these procedures, each of the two States may have direct recourse to the International Court of Justice.