

No. 7656

**CANADA
and
NIGERIA**

**Agreement for the training in Canada of personnel of the
armed forces of Nigeria. Signed at Lagos, on 3 July
1963**

**Protocol of Amendment to the above-mentioned Agreement.
Signed at Lagos, on 2 September 1963**

Official text: English.

Registered by Canada on 25 March 1965.

**CANADA
et
NIGÉRIA**

**Accord pour la formation au Canada de militaires de la
Nigéria. Signé à Lagos, le 3 juillet 1963**

**Protocole de modification de l'Accord susmentionné. Signé
à Lagos, le 2 septembre 1963**

Texte officiel anglais.

Enregistrés par le Canada le 25 mars 1965.

No. 7656. AGREEMENT¹ BETWEEN CANADA AND NIGERIA
FOR THE TRAINING IN CANADA OF PERSONNEL
OF THE ARMED FORCES OF NIGERIA. SIGNED AT
LAGOS, ON 3 JULY 1963

The Government of Canada and the Government of the Federation of Nigeria, considering that the Government of the Federation of Nigeria has requested the Government of Canada to provide training in Canada for personnel of the Armed Forces of Nigeria ;

Have agreed as follows :

Article 1

In this Agreement

- (a) "Canadian Service concerned" means the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force, whichever is the Service with which a trainee is undergoing training ;
- (b) "minor administrative cost" means a cost approved by the Minister of National Defence of Canada ;
- (c) "trainee" means a member of the Armed Forces of Nigeria who is accepted by Canada to undergo officer training in Canada with the Canadian Service concerned ;
- (d) "training" means the military training prescribed by the Chief of the Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case may be.

Article 2

Canada shall make available to Nigeria training in Canada for naval, army and air force trainees on the terms and conditions of this Agreement and in such numbers as shall be determined from time to time by the appropriate Nigerian and Canadian authorities.

¹ Came into force on 3 July 1963, upon signature, and deemed effective from 1 September 1962, in accordance with article 21 (i) as amended by the Protocol of Amendment (sec p. 68 of this volume).

Article 3

The costs of training shall be borne as follows :

- (a) Canada shall bear
- (i) operational costs,
 - (ii) costs of rations and quarters for trainees,
 - (iii) other equipment costs,
 - (iv) costs of duty travel of trainees within Canada, and
 - (v) minor administrative costs ; and

(b) Nigeria shall bear all other costs including the salaries and allowances issued to trainees, at such rates as may be determined by the Nigerian authorities in consultation with the appropriate Canadian authority, and the cost of return transportation of a trainee between Nigeria and Canada.

Article 4

Where Canada incurs expenses that under Article 3 of this Agreement are properly chargeable to Nigeria, Nigeria shall reimburse Canada therefor.

Article 5

To facilitate administrative matters affecting trainees, and without derogating from their status as members of the Armed Forces of Nigeria, a trainee shall be attached to the Canadian Services concerned as an officer or a man in a rank commensurate with his rank in the Armed Forces of Nigeria, and shall be treated as if he were a person of that rank in the Canadian Forces.

Article 6

Where a trainee is by reason of attachment under Article 5 of this Agreement subject to the Code of Service Discipline governing the Canadian Forces, he will not, without the concurrence of the appropriate authorities of Nigeria, be tried by Court Martial unless he has elected so to be tried.

Article 7

A trainee shall not be required

- (a) to participate in any form of combat operations either in or out of Canada or in aid of the civil power ; or
- (b) to perform any function, duty or act that is inconsistent with the provisions and the purpose of this Agreement.

Article 8

Trainees will be subject to the jurisdiction of Canadian Civil Courts in respect of any act or omission constituting an offence against any law in force in Canada alleged to have been committed by them.

Article 9

Canada shall ensure the security and protection within Canada of the persons and property of trainees.

Article 10

Nigeria shall ensure that a trainee shall not, after cessation of his training, divulge to any other government or to any unauthorized person, classified Canadian information of which he may become cognizant in his capacity as a trainee.

Article 11

Canada waives all claims against Nigeria for damage done to any property owned by Canada where such damage is caused by a trainee acting in the course of his official duties.

Article 12

Canada and Nigeria waive all claims against each other for injury or death suffered by a trainee or a member of the Canadian Forces while either is engaged in the performance of his official duties. Where a claim is made against Canada by any other person for the injury or death suffered by a trainee, Nigeria shall indemnify Canada in respect of costs incurred by Canada in dealing with such claims. Where a claim is made against Nigeria by any other person for the injury or death suffered by a member of the Canadian Forces, Canada shall indemnify Nigeria in respect of costs incurred by Nigeria in dealing with such claims.

Article 13

A claim against Canada arising out of any act or omission by a trainee in the performance of his official duties, shall be assimilated to, and be dealt with by Canada as if it were a claim arising out of the activities of the Canadian Forces in Canada.

Article 14

Where costs incurred by Canada in satisfying a claim such as is referred to in Article 13 of this Agreement do not amount to minor administrative cost, 75% of the costs thus incurred shall be chargeable to Nigeria.

Article 15

On entry into or exit from Canada, a trainee shall be required to produce

- (a) a personal identity card ; and
- (b) an individual or collective movement order issued by the appropriate authorities of Nigeria.

Article 16

A trainee shall not by virtue of his presence in Canada under this Agreement acquire any right to residence or domicile in Canada.

Article 17

Either Canada or Nigeria may terminate the training of any trainee at any time during the continuance of this Agreement and each shall give to the other reasonable notification of its intention to do so.

Article 18

Trainees whose training ceases for any reason whatsoever shall be repatriated with the least possible delay by Nigeria.

Article 19

The authorities of the Canadian Service concerned and the appropriate military authorities of Nigeria may establish mutually satisfactory procedures, not inconsistent with the provisions of this Agreement, for the carrying out of this Agreement and for giving effect to its provisions.

Article 20

Either Canada or Nigeria may at any time request revision of this Agreement or of any of its Articles.

Article 21

(i) This Agreement shall come into force upon signature and shall be deemed to be effective from the 3rd day of July, 1963.

(ii) It shall remain in force until terminated in one of the following ways :

- (a) by one of the Governments giving at least six months' written notice to the other to that effect ;
- (b) notwithstanding subparagraph (a) of this subsection, by the withdrawal from Canada of all trainees by the Government of the Federation of Nigeria where such withdrawal is in the public interest of Nigeria ; or

- (c) notwithstanding subparagraph (a) of this subsection, by the Government of Canada terminating the training if the said Government decides that such termination is in the public interest of Canada.

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed this Agreement.

DATED in Lagos this 3rd day of July, 1963.

For Canada :

Thomas CARTER

For Nigeria :

Alhaji Muhammadu RIBADU

PROTOCOL¹ OF AMENDMENT TO THE AGREEMENT OF
3 JULY 1963² BETWEEN CANADA AND NIGERIA FOR
THE TRAINING IN CANADA OF PERSONNEL OF THE
ARMED FORCES OF NIGERIA. SIGNED AT LAGOS, ON
2 SEPTEMBER 1963

The Government of Canada and the Government of the Federation of Nigeria, desirous of amending two articles of the Agreement between them for the training in Canada of personnel of the Armed Forces of Nigeria signed in Lagos on July 3, 1963;²

Have agreed that the said Agreement shall be amended as follows :

1. In Article 1 (c), the word "officer" is deleted and it is understood that the Agreement shall cover all categories of personnel of the Armed Forces of Nigeria.
2. Article 21 (i) is amended to read

"This Agreement shall come into force upon signature and shall be deemed to have been effective from September 1, 1962".

IN WITNESS WHEREOF, the undersigned duly authorized thereto, have signed this Protocol of Amendment.

DATED in Lagos this 2nd day of September, 1963.

For Canada :

Thomas CARTER

For Nigeria :

Alhaji Muhammadu RIBADU

¹ Came into force on 2 September 1963, upon signature.

² See p. 58 of this volume.