

No. 9443

FRANCE
and
CHAD

**Agreement concerning technical military assistance (with annex
and exchange of letters). Signed at Paris on 19 May 1964**

Authentic text: French.

Registered by France on 3 March 1969.

FRANCE
et
TCHAD

**Accord concernant l'assistance militaire technique (avec annexe
et échange de lettres). Signé à Paris le 19 mai 1964**

Texte authentique: français.

Enregistré par la France le 3 mars 1969.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ CONCERNING TECHNICAL MILITARY ASSISTANCE BETWEEN THE FRENCH REPUBLIC AND THE REPUBLIC OF CHAD

Considering the existence of quadripartite defence agreements concluded on 11, 13 and 15 August 1960 between the Government of the French Republic and the respective Governments of the Central African Republic, the Republic of the Congo and the Republic of Chad,

The Government of the French Republic on the one hand, and

The Government of the Republic of Chad on the other hand,

Have agreed as follows:

Article 1

In accordance with article 6 of the Defence Agreement between the French Republic, the Central African Republic, the Republic of the Congo and the Republic of Chad, the French Republic shall assist the Republic of Chad in the establishment of its National Armed Forces.

Article 2

The Government of the Republic of Chad agrees that those of its nationals at present serving in the French Armed Forces who are not transferred to the Armed Forces of the Republic of Chad shall continue to serve in the French Armed Forces.

Personnel transferred to the Armed Forces of Chad shall retain therein any rights acquired as a result of their service in the French Armed Forces, including pension rights.

Article 3

The French Republic shall furnish without charge the initial equipment and supplies required for the establishment of the Armed Forces of the Republic of Chad, within mutually agreed limits.

¹ Came into force on 1 October 1966, the date of the last communication by which the Contracting Parties notified each other of the fulfilment of the constitutional procedures required to that effect, in accordance with article 14.

Article 4

The Republic of Chad shall acquire ownership of the military installations, barracks, land and military buildings in its territory, except for such immovables as are not of a technical nature.

The arrangements for this transfer and the list of exceptions relating to the immovables which are not of a technical nature shall be decided upon by a joint Franco-Chad commission which shall draw up a convention to that effect.

Article 5

The Republic of Chad shall permit French Armed Forces to be stationed in its territory in zones to be delimited by mutual agreement.

The maintenance of the military installations, barracks, land and military buildings used by the French Armed Forces shall be the responsibility of the French Republic.

Article 6

The Republic of Chad shall, with a view to ensuring the standardization of equipment, give preference to the French Republic in respect of the maintenance and renewal of the equipment and supplies of its Armed Forces.

In the case of items which cannot be provided by the French Republic, the Republic of Chad reserves the right to accept aid from other countries.

When items cannot be supplied free of charge, the financial conditions governing their provision shall be laid down by mutual agreement.

Article 7

The Armed Forces of the Republic of Chad may seek assistance from the French Armed Forces in the matter of logistical support.

Article 8

The French Republic shall make military personnel available to the Republic of Chad to facilitate, under the orders of the latter's General Staff, the organization and training of its Armed Forces.

Such personnel shall be assigned on the basis of their qualifications to posts specified in a mutually agreed list.

Article 9

All sums to which such personnel are entitled shall be paid by the French Republic and accommodations for them and their families shall be provided by the Republic of Chad.

Article 10

The personnel concerned shall be made available for a period fixed in accordance with French regulations governing service abroad. The period may be extended or interrupted by mutual agreement.

Article 11

The military personnel made available to the Republic of Chad shall remain under French military jurisdiction in accordance with the conditions stipulated in the annex to this Agreement. They shall be subject to the general disciplinary rules in force in the Armed Forces of the Republic of Chad.

They shall serve in the Armed Forces of the Republic of Chad in accordance with the traditional rules governing the use of their branch or unit. They shall hold in the Armed Forces of the Republic of Chad the rank corresponding to the rank which they hold in the French Armed Forces.

All decisions concerning them taken by the Command of the National Army of the Republic of Chad shall be reported to the Office of the High Representative of France in Chad. In particular, any disciplinary penalties incurred shall be brought to the notice of the Office of the High Representative. Such penalties may entail immediate reassignment to the French Armed Forces outside the territory of the Republic of Chad. Conversely, all decisions concerning such personnel taken by the French military authorities shall be brought to the notice of the Government of the Republic of Chad.

Article 12

The Republic of Chad shall give preference to the French Republic in respect of the training of its officers.

Nationals of the Republic of Chad shall be admitted by competitive examination to French military academies either under the same conditions as French nationals or under a special quota.

In addition, in order to accelerate officer training, nationals of the Republic of Chad nominated by their Government by agreement with the French Government may be accepted as trainees at French *grandes écoles* and military establishments.

The French Republic shall be responsible for the school fees of pupils and trainees at French *grandes écoles* and military establishments.

Article 13

This Agreement shall supersede and replace the Agreement between the French Republic and the Republic of Chad dated 11 August 1960 concerning technical military assistance.

Article 14

Each Contracting Party shall notify the other of the application of the constitutional procedures required for the entry into force of this Agreement and of the annex thereto, which shall take effect on the date of the later notification.

DONE at Paris on 19 May 1964.

For the Government
of the French Republic:

R. TRIBOULET

For the Government
of the Republic of Chad:

Silas SELINGAR

ANNEX CONCERNING THE STATUS OF MEMBERS OF THE FRENCH
ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF CHAD

Article 1

The French Military Courts shall have jurisdiction in respect of any offence with which a member of the French Armed Forces is charged and which is committed while he is on duty or committed within the installations of such Forces.

In other cases, the courts of the Republic of Chad shall have jurisdiction. The Government of the Republic of Chad shall give sympathetic consideration to any request from the French authorities for a transfer of jurisdiction to them.

Where jurisdiction is not transferred, the accused shall, in the event of his having been remanded in custody by the judicial authorities, be detained in a prison

which is subject to the French military authorities. The latter shall make him available to the judicial authorities of Chad for all the proceedings relating to the investigation and for trial. If he is convicted, the penalty shall be carried out by the French authorities at a place and in conditions of which the Republic of Chad shall be informed.

The authorities of the Republic of Chad shall not arrest a member of the French Armed Forces except in a case of *flagrante delicto*. They shall immediately notify the French military authorities thereof and shall hand over the person concerned to them in the shortest possible time.

Article 2

Inquiries within the installations of the French Armed Forces shall be carried out by the French authorities. However, where the rights of a national of Chad are affected and the Chad authorities have accordingly been seized of the matter, the military authorities of Chad shall, at their request, be associated with such inquiries.

A person or persons committing an offence within such installation and accomplices thereto, if they are not members of the French Armed Forces, shall be handed over to the authorities of the Republic of Chad in the shortest possible time. In such cases, the judicial authorities of Chad may be associated with any investigation proceedings undertaken at their request within the French military installations.

The French Armed Forces may, in liaison with the authorities of the Republic of Chad, use military police outside their installations to the extent required to maintain order and discipline among the members of those Forces.

Article 3

In the case of offences committed in the territory of the Republic of Chad against the Armed Forces of the military installations, property and equipment of France or Chad, the authorities of the French Republic and the authorities of the Republic of Chad shall take the same steps against persons subject to their respective jurisdictions as would have been taken if those offences had been committed against their own Armed Forces or their own military installations, property and equipment.

Article 4

The Government of the French Republic shall pay fair compensation in the case of damage occurring in connexion with the performance of their duties by members of the French Armed Forces. Requests for compensation shall be transmitted to the Government of the French Republic through the Government of the Republic of Chad.

The Government of the Republic of Chad shall pay fair compensation in the case of damage occurring in connexion with the performance of their official duties by persons directly employed by it. Requests for compensation shall be transmitted to the Government of the Republic of Chad through the Government of the French Republic.

Subject to the provisions of the first paragraph of this article, the courts of the Republic of Chad shall have jurisdiction in respect of civil actions brought against members of the French Armed Forces.

In such cases, the military authorities of the French Republic shall, at the request of the military authorities of the Republic of Chad, take all steps in their power to ensure compliance with the judgements and orders of the courts of the Republic of Chad and to assist the authorities of the Republic of Chad in the enforcement of such judgements and orders.

The enforcement of such judgements and orders may not extend to the person, weapons, ammunition, equipment, regulation articles or uniform of any member of the French Armed Forces.

Article 5

Until the additional convention provided for in article 15 of the General Convention¹ concerning Personnel Assistance is concluded, members of the French Armed Forces shall remain subject to the taxation arrangements actually applied hitherto.

Article 6

Members of the French Armed Forces shall be furnished with identity or registration cards, copies of which shall be deposited with the Government of the Republic of Chad.

Article 7

The French Military Command may, for the exclusive use of members of the French Armed Forces, maintain logistical support services, including an army post office and a military pay office. The arrangements for the operation of the army post office shall be laid down in an agreement.

The French Military Command may establish and maintain shops, messes, clubs, recreational centres and social services. The above establishments shall be exempt from all taxes, duties and charges other than customs duty and import duty on products intended for sale. However, an annual quota of food-stuffs and beverages, articles of everyday use and polishing preparations exempt from customs duty shall be established by mutual agreement.

¹ See p. 6 of this volume.

The authorities of Chad shall be associated with the steps taken by the French military authorities to ensure that individuals who and corporate bodies which are not entitled to obtain supplies from such establishments are not able to procure the items sold by the latter.

Article 8

The regulations concerning visible marks of respect in force in the Army of the French Republic and in the Army of the Republic of Chad shall be observed by the members of each Army with regard to the members of the other and to each other's national flag.

Article 9

The provisions of this Agreement shall apply to members of the French Armed Forces in the territory of the Republic of Chad and to the French military personnel made available to the Republic of Chad.

Dependants of members of the French Armed Forces, as defined by French law, shall be treated as members of the French Armed Forces for the purposes of articles 5, 6 and 7 of this annex. However, they shall not benefit from the provisions of article 5 in so far as they carry on, in the territory of the Republic of Chad, activities subject to taxation.

Article 10

This annex shall supersede and replace the annex to the Agreement between the French Republic and the Republic of Chad dated 11 August 1960 concerning technical military assistance.

R. TRIBOULET

Silas SELINGAR

EXCHANGE OF LETTERS

I

Paris, 18 May 1964

Sir,

Article 4 of the new Agreement concerning technical military assistance which has just been concluded between the Government of the French Republic and the Government of the Republic of Chad provides that a joint commission shall determine the arrangements for the implementation of the provisions relating to State property contained in that Agreement.

I have the honour to confirm that the French Government, for its part, is agreeable to the commission's meeting as soon as possible after the entry into force of the said Agreement. Its competence shall be confined to the military property referred to in the above-mentioned article 4, namely, property in existence on the date of the Special Agreement transferring the powers of the Community to the Republic of Chad, signed on 12 July 1960.

Accept, etc.

R. TRIBOULET

His Excellency Mr. Silas Selingar
Chairman of the Chad Delegation

II

Paris, 19 May 1964

Sir,

You have been kind enough to address to me, on today's date, the following letter:

[*See letter I*]

I have the honour to confirm to you my agreement to the terms of this letter.

Accept, Sir, etc.

Silas SELINGAR

His Excellency Mr. Raymond Triboulet
Chairman of the French Delegation