

No. 9441

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**FRANCE**  
**and**  
**CHAD**

**Convention concerning the provision of personnel by the French Republic to assist in the operation of public services in the Republic of Chad. Signed at Paris on 19 May 1964**

**Additional Convention concerning the employment of seconded military personnel in the public services of the Republic of Chad. Signed at Paris on 19 May 1964**

**Additional Convention concerning judicial personnel made available to the Republic of Chad. Signed at Paris on 19 May 1964**

**Additional Convention concerning personnel made available to the Republic of Chad by the French Republic in the field of education and culture. Signed at Paris on 19 May 1964**

*Authentic texts: French.*

*Registered by France on 3 March 1969.*

[TRANSLATION — TRADUCTION]

CONVENTION <sup>1</sup> CONCERNING THE PROVISION OF PERSONNEL BY THE FRENCH REPUBLIC TO ASSIST IN THE OPERATION OF PUBLIC SERVICES IN THE REPUBLIC OF CHAD

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The Government of the French Republic and

The Government of the Republic of Chad,

Conscious of the ties of friendship and solidarity which unite them within the French Community,

Anxious to promote the full development of such ties in a spirit of mutual assistance and understanding,

Desiring to ensure that the public services and the organs which contribute to the economic and social development of the Republic of Chad shall operate in the best possible conditions,

Have agreed as follows:

*Article 1*

The Government of the French Republic shall as far as possible make available to the Republic of Chad the technical co-operation personnel which the Chad Government shall wish to receive for the economic and social development and the consolidation of the administrative structures of the Republic of Chad; the provision of such assistance shall be independent of any other assistance which might form the subject of particular conventions relating either to the operation of certain services or institutions, or to the execution of temporary missions with specific objectives.

In order to permit the gradual withdrawal of technical co-operation personnel made available to the Republic of Chad under this Convention, the French Republic, at the request of the Republic of Chad, shall, as far as possible, facilitate the training of Chad nationals and help them to improve their professional skills.

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<sup>1</sup> Came into force on 30 July 1966 by the exchange of the instruments of ratification, in accordance with article 17.

## TITLE I

TERMS AND CONDITIONS FOR THE PROVISION OF ASSISTANCE  
BY THE FRENCH REPUBLIC*Article 2*

The Government of the Republic of Chad shall transmit to the French Government a list of the functions and posts which it wishes to entrust to French technical assistance personnel within its administrative or para-administrative structures. This list shall be brought up to date and considered each year at the meeting of the Franco-Chad Mixed Commission established under the Agreement dated 19 May 1964<sup>1</sup>.

The French Government shall make known within a period of one month following that meeting a list of the functions and posts which it will endeavour to fill.

*Article 3*

The Government of the French Republic shall, at the earliest possible date, submit for the approval of the Government of the Republic of Chad a list of the candidates which it has been able to recruit.

The list of candidates shall be accompanied by history sheets and details of their employment and family situation and reports for the last five years, or, failing that, an evaluation of the candidate's worth.

The Government of the Republic of Chad shall make known its acceptance or rejection of the candidates within a period of one month following the receipt of their documents.

Once that time-limit has expired, or in the event of rejection, the personnel who have not been accepted shall revert to the jurisdiction of the Government of the French Republic.

The latter shall, however, as far as possible, submit new proposals which may be accepted or rejected on the conditions set out above.

*Article 4*

On receipt of the notification of acceptance, the Minister-Delegate for Co-operation shall announce the assignment of the official concerned to the Republic of Chad and shall take all the necessary measures for his transfer.

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<sup>1</sup> See p. 5 of this volume.

The period of assignment shall include the tour of duty and the leave following that tour of duty, in accordance with the French regulations applicable to the personnel in question. In the case of personnel subject to the system of annual leave, however, it shall include two consecutive tours of duty and the leave which accompanies those tours.

The appointment of accepted candidates shall be announced by the decision of the competent authority of the Republic of Chad for the duration of the period of assignment and shall take effect from the date of arrival of the official concerned in the territory of that Republic.

This decision shall be communicated to the Minister-Delegate for Co-operation through the Office of the French High Representative in Chad.

Any transfer of an official covered by this Convention shall be the subject of consultations between the two Governments.

#### Article 5

On the expiry of the time-limit established in article 4 above, the officials shall revert, without further formalities, to the jurisdiction of the Minister-Delegate for Co-operation.

This period may, however, be extended by a maximum of six months, except in case of *force majeure* or for reasons of health, by a simple exchange of letters at least one month before the expiry of the normal term.

In all cases, the assignment may be renewed in the same manner in which it was originally arranged.

If the Republic of Chad intends to retain an official for a further period of assignment, it shall notify him at least one month before the date of his departure, through the Office of the French High Representative in Chad.

#### Article 6

The Government of the Republic of Chad shall reserve the right to terminate the assignment at any time provided that it notifies the French Government and the official concerned, through the Office of the French High Representative in Chad, giving three months' notice from the date of such notification.

The Government of the French Republic may, on stated grounds, decide to terminate the assignment of an official on the same conditions, if the retention of that official seems likely to prejudice the higher interests of Franco-Chad co-operation.

In exceptional cases, and where, in the view of either Government, the retention of the official concerned proves impossible, either Government may, on stated grounds, disregard the obligation to give notice.

Where the return of the official occurs by the decision of the Government of the Republic of Chad and is not based on professional misconduct, all the expenses connected with the return passage in accordance with the French regulations shall be borne by the Republic of Chad.

#### *Article 7*

Sick leave exceeding three months, absences on account of illness exceeding three months and prolonged periods of leave outside the Republic of Chad granted to the officials concerned shall terminate their assignment.

The costs of repatriation or evacuation on grounds of health shall in such cases be borne by the French Republic.

### TITLE II

#### RECIPROCAL OBLIGATIONS OF GOVERNMENTS AND OFFICIALS

#### *Article 8*

Officials made available to the Republic of Chad under this Convention shall carry out their duties under the authority of the Government of that country and shall be obliged to comply with its regulations and instructions.

They shall be bound by the obligation to exercise professional discretion in all matters relating to facts or information of which they have knowledge in the performance of their duties.

They shall refrain from any act likely to reflect unfavourably on the Government of the French Republic or the Government of the Republic of Chad or the French Community.

The two Governments shall also undertake not to require of the officials covered by this Convention any act or manifestation of a character alien to the service.

In the performance of their duties, the officials covered by this Convention shall in general receive aid and protection from the Government of the Republic of Chad.

*Article 9*

The officials who are made available to the Republic of Chad may not engage in any lucrative activity other than that authorized in the statutes to which they are subject, in so far as these statutes are not contrary to the regulations of the Republic of Chad. In exceptional circumstances, and where justified in the general interest, this prohibition may be waived by joint decision of the Government of the Republic of Chad and the Government of the French Republic.

When the spouse of an official assigned to the Republic of Chad wishes to engage in any private lucrative activity in the territory of that State, the official must request the prior consent of the Government of the Republic of Chad and of the Government of the French Republic which may, by a joint decision, take appropriate measures to safeguard the interests of the service.

*Article 10*

The Government of the Republic of Chad shall, at the regular intervals established under the regulations of the French Republic, forward to the Government of the French Republic, through the Office of the French High Representative in Chad, reports on the manner in which the personnel made available to it under this Convention are performing their duties.

*Article 11*

The personnel made available to the Government of the Republic of Chad under this Convention may not incur any administrative penalty on the part of that Government other than their return, on stated grounds, to the Government of the French Republic, accompanied, where necessary, by a report specifying the nature and circumstances of the imputed facts likely to justify the application of the disciplinary procedure set out in the statutes to which the official concerned is subject.

## TITLE III

## DIVISION OF EXPENSES

*Article 12*

The officials covered by this Convention shall be remunerated by the Republic of Chad according to the terms established by the regulations in force for officials of the same category belonging to the Public Service of the Republic of Chad and called upon to discharge the same functions.

The French Republic shall then pay the official concerned a sum equal to the difference between the remuneration to which he would be entitled in Chad under the French regulations in force and the remuneration which he will receive from the Republic of Chad.

As a temporary measure, the Republic of Chad shall undertake to pay, in respect of each official, during the whole period he is made available to that country, a contribution the amount and calculation of which shall be determined by specific agreements.

#### Article 13

The Government of the French Republic shall also be responsible for the following expenses:

- The travel costs of the official assigned to the Government of the Republic of Chad, and his family, from his place of residence to the point of entry into the Republic of Chad and (subject to the provisions of article 6 above), at the time of his repatriation, from the point of departure from the Republic of Chad to the appropriate point fixed by the regulations in force in the French Republic.
- The travel allowances payable for the above journeys, subject to the same reservation.
- The contribution necessary to maintain the official's pension rights in accordance with the rates in force under the regulations of the French Republic.

#### Article 14

The Republic of Chad shall provide an official whose services it has accepted with housing and furniture, taking into account, *inter alia*, his family situation; such benefits may be provided by means of rent allowances the amount of which shall be established under the conditions in force in the Republic of Chad.

Such officials shall, in particular, receive medical treatment, drugs and hospital facilities on the same grounds and on the same conditions as permanent officials in the service of the Government of the Republic of Chad.

The Government of Chad shall also be responsible, on the conditions which it shall itself establish, for any costs and allowances relating to transfers and missions carried out by the decision of the Government of the Republic of Chad.

The Republic of Chad shall be responsible for all the expenses mentioned above for as long as the personnel made available to it remain in its territory and for the duration of any transfers and missions outside the Republic which shall be decided upon by the Government of that Republic.

*Article 15*

The officials made available to the Government of the Republic of Chad under this General Convention shall be liable to direct taxation and customs duties in accordance with the terms and conditions to be established in a specific additional Convention.

Until that additional Convention has been concluded, the terms and conditions for taxation which were effectively applied to such officials in 1963 shall remain in force.

TITLE IV

MISCELLANEOUS PROVISIONS

*Article 16*

The terms and conditions for the application of this Convention shall be established as and when necessary by agreements between the two Governments or their duly authorized representatives.

Additional conventions may be concluded to cover certain officials in the discharge of specific functions which they may be called upon to assume in the Republic of Chad. Such agreements may in exceptional circumstances waive certain clauses of this Convention.

*Article 17*

This General Convention, which cancels and replaces the General Convention signed at Fort-Lamy on 30 November 1959, shall enter into force on the date of the exchange of the instruments of ratification.

DONE at Paris, on 19 May 1964, in duplicate.

For the Government  
of the French Republic:

Raymond TRIBOULET  
Minister-Delegate  
for Co-operation

For the Government  
of the Republic of Chad:

Silas SELINGAR  
Minister of Public Works  
and Communications



ADDITIONAL CONVENTION<sup>1</sup> CONCERNING THE EMPLOYMENT OF SECONDED MILITARY PERSONNEL IN THE PUBLIC SERVICES OF THE REPUBLIC OF CHAD

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The Government of the French Republic and

The Government of the Republic of Chad

Have agreed as follows:

*Article 1*

The purpose of this Additional Convention is to determine, in pursuance of article 16 of the General Convention<sup>2</sup> concerning the provision of personnel by the French Republic to assist in the operation of public services in the Republic of Chad, the special measures applicable to military personnel.

The provisions of the General Convention shall be applicable to such personnel in so far as they are not waived by this Additional Convention.

*Article 2*

The military personnel made available to the Republic of Chad for employment in its public services shall, in accordance with French regulations, be seconded for the period of the tour of duty plus embarkation leave, annual leave and outward and return travel time.

The secondment may be renewed in so far as the possibilities of relief allow.

*Article 3*

Seconded military personnel serving under the authority of the Government of the Republic of Chad shall retain the rights and continue to be subject to the obligations of their status, as defined by the legislation and regulations in force in the French Republic, with regard to such matters as promotion, reports, discipline, the wearing of uniform, the right to treatment and hospital

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<sup>1</sup> Came into force on 30 July 1966, the date of entry into force of General Convention.

<sup>2</sup> See p. 9 of this volume.

care by the army medical services, deductions for retirement benefits and pension rights.

Such personnel shall come under the Office of the French High Representative in Chad.

*Article 4*

Any appointment to employment under the General Convention must take into account the statutory rules relating to military ranks, so that seconded military personnel may not have under their orders those who are of a higher grade or who are senior to them in the same grade.

*Article 5*

Seconded military personnel made available to the Government of the Republic of Chad shall remain subject to the administrative inspections laid down in the statutes governing the corps to which they belong with regard to the obligations deriving from those statutes.

Such personnel shall, in the performance of their duties, be subject to any inspection which the Government of Chad shall deem fit to carry out.

*Article 6*

With regard to the application of article 9 of the General Convention to the personnel of the Army Medical Service, the two Governments undertake to respect the rights and duties established by the competent Medical Council in accordance with the regulations governing that Council.

*Article 7*

This Additional Convention cancels and replaces the Additional Convention concerning the employment of seconded military personnel in the public services of the Republic of Chad, dated 30 December 1959.

DONE at Paris, on 19 May 1964, in duplicate.

For the Government  
of the French Republic:

Raymond TRIBOULET

Minister-Delegate  
for Co-operation

For the Government  
of the Republic of Chad:

Silas SELINGAR

Minister of Public Works  
and Communications

ADDITIONAL CONVENTION<sup>1</sup> CONCERNING JUDICIAL  
PERSONNEL MADE AVAILABLE TO THE REPUBLIC  
OF CHAD

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The Government of the French Republic and

The Government of the Republic of Chad

Have agreed as follows:

*Article 1*

The purpose of this Additional Convention is to determine, in accordance with article 16 of the General Convention<sup>2</sup> regarding technical co-operation in the matter of personnel, the special conditions for co-operation between the French Republic and the Republic of Chad with regard to judicial personnel.

The provisions of the General Convention shall be applicable in so far as they are not waived by this Additional Convention.

*Article 2*

The French Republic undertakes to carry out the professional training of candidates for judicial posts who are nationals of the Republic of Chad.

With a view to enabling the Republic of Chad to ensure the operation of its judicial institutions and the administration of justice, the French Republic undertakes, as far as possible, to make available to the Republic of Chad the judicial personnel which it requires.

*Article 3*

The judicial personnel made available to the Government of the Republic of Chad may not receive any new assignment without their consent. When the exigencies of the service so require, however, they may be transferred for a period of up to four months after consultation between the two Governments.

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<sup>1</sup> Came into force on 30 July 1966, the date of entry into force of the General Convention.

<sup>2</sup> See p. 9 of this volume.

Except when acting vicariously, in no case may a judicial officer serving under technical assistance arrangements be entrusted with functions which give him authority over judicial personnel belonging to a grade higher than his own in his original branch of service.

#### *Article 4*

When, following promotion to a higher grade or appointment to a post in a new group in his own service, a judicial officer requests that his assignment should be terminated, his request shall automatically be granted unless the Government of the Republic of Chad can appoint him to a post corresponding to the new grade or new group. In that event, the Government of the French Republic shall make all the necessary arrangements to ensure the replacement of the judicial officer before his departure. It shall also bear the costs of repatriating the officer concerned.

#### *Article 5*

The judicial personnel made available to the Republic of Chad shall enjoy the independence, guarantees, privileges, honours and prerogatives to which the members of the judiciary of the Republic of Chad are entitled.

The Republic of Chad shall protect such judicial personnel against any threats, offensive behaviour, insults, defamation and attacks of any kind to which they might be subject in the performance of their duties and shall, where necessary, make good the damage suffered as a result.

They may not be challenged regarding decisions in which they participate in the performance of their duties. The same applies, without prejudice to the propriety they must observe towards the host Government, to the utterances they make in court and the acts relating to their duties.

They shall only assume their duties after taking an oath in the manner prescribed for members of the judiciary of the Republic of Chad.

#### *Article 6*

No correctional or criminal proceedings may be instituted against a judicial officer except with the approval of a commission composed of two judges appointed by the Minister of Justice of the Republic of Chad and two French

judges made available to the Republic of Chad to fill the highest seats on the Bench. The commission shall meet when convened by the Minister of Justice of the Republic of Chad.

The commission shall elect a chairman, who shall have a casting vote. If the votes are equally divided, the commission shall be deemed to have given an opinion against proceedings. The opinion of the commission shall be transmitted to the competent State Counsel's office.

When proceedings are instituted, the Government of the French Republic shall be kept informed and the judicial officer against whom the proceedings are being taken shall enjoy the privileges of jurisdiction laid down in the legislation applicable to Chad at the time of the entry into force of this Additional Convention.

*Article 7*

This Additional Convention cancels and replaces the Additional Convention concerning the employment of judicial personnel dated 5 January 1960.

DONE at Paris, on 19 May 1964, in duplicate.

For the Government  
of the French Republic:

Raymond TRIBOULET

Minister-Delegate  
for Co-operation

For the Government  
of the Republic of Chad:

Silas SELINGAR

Minister of Public Works  
and Communications

ADDITIONAL CONVENTION <sup>1</sup> CONCERNING PERSONNEL  
MADE AVAILABLE TO THE REPUBLIC OF CHAD BY  
THE FRENCH REPUBLIC IN THE FIELD OF EDUCATION  
AND CULTURE

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The Government of the French Republic and

The Government of the Republic of Chad,

In view of the General Convention concerning the provision of personnel by the French Republic to assist in the operation of public services in the Republic of Chad,

Taking into account the need to adapt the procedures for the application of that Convention to teaching personnel in accordance with the nature of their activities and the statutory conditions of their employment,

Have agreed to organize aid and co-operation between the French Republic and the Republic of Chad in the matter of teaching personnel in accordance with the clauses of the following Additional Convention:

*Article I*

The Government of the French Republic shall, as far as possible, make available to the Republic of Chad the qualified personnel whom the Government of the Republic of Chad considers necessary for the functioning of its public educational and cultural establishments, the inspection of teaching, the organization and approval of examinations and competitions, and the functioning of educational administrative services.

The Government of the Republic of Chad, for its part, undertakes to consult the Government of the French Republic with regard to any change in the organization of its educational and cultural services likely to affect aid and co-operation in the educational and cultural field under the terms of this Convention.

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<sup>1</sup> Came into force on 30 July 1966, the date of entry into force of the General Convention, in accordance with article XI.

The Government of the Republic of Chad shall grant every facility for the fulfilment of their task to educational inspectors and to members of examining boards or adjudicators of competitions who are called upon to perform their duties in the territory of the Republic of Chad under this Convention.

### *Article II*

In the case of teaching personnel, the list of requirements provided for in article 2 of the General Convention<sup>1</sup> shall be drawn up annually at the appropriate time by agreement between the two Governments following the meeting of the Mixed Commission established under the Agreement dated 19 May 1964<sup>2</sup>.

### *Article III*

In view of the large number of educational personnel needed and the requirements of the school calendar, the submission of the lists of candidates referred to in article 3 of the General Convention must be answered within fifteen days after receipt.

### *Article IV*

The appointment of a member of the teaching profession shall be announced by the competent authorities of the Republic of Chad and shall take effect from a date which shall be fixed so as to avoid any interruption in the employment of the person concerned. The appointment shall be for an initial period of two school years.

This period may be extended from one school year to another, except when the person concerned requests otherwise or when one of the Contracting Parties decides otherwise at least three months before the date fixed for the first stage in the transfer of teaching personnel to France.

### *Article V*

Subject to the provisions of article 6 of the General Convention, the date of repatriation of teaching personnel shall coincide with the end of the school year. The length of the notice to be given shall be that provided for in the first paragraph of article 6 of the aforementioned Convention.

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<sup>1</sup> See p. 9 of this volume.

<sup>2</sup> See p. 5 of this volume.

*Article VI*

Teaching personnel shall be subject to the system of school holidays currently in force in the Republic of Chad.

*Article VII*

Teaching personnel made available to the Republic of Chad under this Convention shall, in accordance with the legislation relating to the position of seconded officials, have the same terms of employment and the same professional guarantees and freedoms traditionally accorded to members of the teaching profession.

Without prejudice to the provisions of article 10 of the General Convention, specific reports shall be made on teaching personnel in accordance with the procedures laid down in the laws and regulations in force in the French Republic; reports on teaching ability shall be made by members of the competent corps of inspectors and administrative reports shall be made by university officials holding at least an equal qualification or specially empowered by the competent authorities of the French Republic with the agreement of the Republic of Chad.

Under the provisions established for certain categories of personnel, service completed in the Republic of Chad by members of the teaching profession made available under this Convention shall in all respects be considered valid and taken into account by the French Republic as if it had been completed in the employment of the French Republic.

*Article VIII*

General inspection missions shall be organized by agreement between the two Governments. They shall automatically inspect personnel belonging to the teaching staff of the French Republic; they may, at the request of the Government of the Republic of Chad, inspect other personnel. The expenses involved in such missions shall be borne by the French Republic.

*Article IX*

The Secondary School Inspector made available to the Republic of Chad in accordance with article 3 of the Cultural Agreement<sup>1</sup> shall be responsible for the pedagogical control of the teaching personnel under the jurisdiction of the French Republic.

<sup>1</sup> See p. 41 of this volume.



*Article X*

This Convention cancels and replaces the Additional Convention dated 5 January 1960.

*Article XI*

This Convention shall enter into force on the same date as the General Convention concerning the provision of personnel by the French Republic to assist in the operation of public services in the Republic of Chad.

For the Government  
of the French Republic:

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For the Government  
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Minister of Public Works  
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