

**No. 11148**

---

**FRANCE  
and  
UPPER VOLTA**

**Agreement on technical military assistance (with annexes). Signed  
at Paris on 24 April 1961**

*Authentic text: French.*

*Registered by France on 11 June 1971.*

---

**FRANCE  
et  
HAUTE-VOLTA**

**Accord d'assistance militaire technique (avec annexes). Signé à  
Paris le 24 avril 1961**

*Texte authentique: français.*

*Enregistré par la France le 11 juin 1971.*

[TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> ON TECHNICAL MILITARY ASSISTANCE  
BETWEEN THE FRENCH REPUBLIC AND THE  
REPUBLIC OF THE UPPER VOLTA

---

The Government of the French Republic, on the one hand, and  
The Government of the Republic of the Upper Volta, on the other hand,  
Have agreed as follows:

*Article 1*

At the request of the Republic of the Upper Volta, the French Republic undertakes to assist the Republic of the Upper Volta by providing French military personnel to organize, officer and train the armed forces.

*Article 2*

In conditions established by mutual agreement, the French Republic shall furnish without charge to the Republic of the Upper Volta all or part of the military equipment and supplies required for establishing the armed forces.

*Article 3*

The Republic of the Upper Volta, with a view to ensuring the standardization of armaments, shall apply to the French Republic in the first place for assistance in the maintenance and renewal of the equipment and supplies of its armed forces.

In any case, light armaments, communication equipment and combat vehicles for land units shall be supplied by the French army.

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

---

<sup>1</sup> Came into force on 30 August 1961, the date of entry into force of the Treaty on co-operation signed on the same day (see p. 171 of this volume), in accordance with article 13.

For items which, after joint consideration, cannot be provided by the French Republic, the Republic of the Upper Volta reserves the right to accept aid from other countries.

#### *Article 4*

Expenditure for the maintenance and operation of its armed forces shall be the responsibility of the Republic of the Upper Volta.

The Upper Volta armed forces may seek assistance, in the matter of their logistical support, from the French armed forces, which shall grant such assistance in so far as they are materially able to do so.

#### *Article 5*

Upper Volta nationals currently serving in the French armed forces shall, at the request of the Government of the Republic of the Upper Volta, be relieved of their obligations towards those armed forces, so that they may serve in the Upper Volta armed forces.

In particular, Upper Volta nationals serving in the French *gendarmerie* shall be transferred upon the entry into force of this Agreement.

#### *Article 6*

Personnel transferred under article 5 shall retain the pension rights and the benefits acquired during their service in the French armed forces, and those rights and benefits shall be the responsibility of the French Republic.

Personnel who have not been transferred shall have the option of requesting no longer to serve in those forces. This provision shall take effect from the entry into force of this Agreement and shall remain applicable for a period of 12 months. Personnel thus released shall benefit, particularly with regard to retirement, from advantages acquired commensurately with their length of service. Such acquired rights shall remain the responsibility of the French Republic.

The Government of the Republic of the Upper Volta, through the present Agreement, shall agree that nationals currently serving in the French armed forces who have not been transferred under article 5 or who have not exercised

the option available under the second paragraph of this article, should continue to serve in the French armed forces in accordance with the regulations applicable in those forces.

#### Article 7

The Government of the Republic of the Upper Volta may authorize Upper Volta nationals to serve in the French armed forces in accordance with the regulations applicable in those forces, provided, however, that they are relieved of all obligations in respect of military service.

Likewise, the Government of the French Republic may authorize French nationals to serve in the Upper Volta armed forces in accordance with the regulations applicable in those armed forces, provided, however, that they are relieved of all obligations in respect of military service.

#### Article 8

The French Republic shall be responsible for training and instructing the cadres of the armed forces of the Republic of the Upper Volta and undertakes to devote the necessary financial and personnel resources to that purpose.

Upper Volta nationals shall be admitted to the French *grandes écoles* and military establishments either by a competitive examination under the same conditions as French nationals, or under a special quota adjusting these conditions. For the time being, in order to accelerate the training of cadres, some Upper Volta nationals nominated by their Government, by agreement with the French Government and under a special quota determined annually by mutual agreement, may be accepted as trainees at French *grandes écoles* and military establishments.

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

So as to ensure and maintain a unified training for the cadres of the armed forces of the States of the *Entente*, and to facilitate their co-operation with the French armed forces, offers of assistance concerning the training of the cadres of the armed forces of the Republic of the Upper Volta shall be examined jointly.

*Article 9*

The French Republic shall second to the Republic of the Upper Volta, in accordance with the stated requirements of the latter, such French officers, non-commissioned officers and men as it may need for the organization, training and officering of the armed forces.

The aforesaid personnel shall be seconded to the Upper Volta armed forces to fill posts corresponding to their qualifications.

They shall be paid in full by the French authorities and shall, together with their families, be housed by the Upper Volta authorities.

The list of posts to be filled shall be determined by mutual agreement by the competent French and Upper Volta ministers. It shall as a rule be revised each year.

*Article 10*

French military personnel seconded to the Republic of the Upper Volta shall be appointed by the French Government.

The secondment shall be for a fixed period in accordance with French regulations on residence abroad. It may be renewed or interrupted by mutual agreement.

The persons concerned shall be assigned to a unit called the "Bureau for Military Assistance to the Upper Volta Army", which shall deal with management and administration and ensure that they receive their pay in accordance with the rules applicable to personnel of the French armed forces.

The Bureau for Military Assistance to the Upper Volta Army shall be placed under the authority of the senior highest-ranking French officer seconded to the Republic of the Upper Volta.

*Article 11*

French military personnel seconded to the Republic of the Upper Volta shall remain under French military jurisdiction in the conditions provided for in annex I of this Agreement, but shall be subject to the rules of general discipline in force in the Upper Volta army.

They shall serve at the rank in the hierarchy of the Upper Volta armed forces corresponding to their customary rank in the French armed forces or the next higher rank.

Any disciplinary action that may be incurred by them shall be brought to the notice of the commander of the Bureau for Military Assistance. It shall automatically be determined by that officer. Such action may involve immediate reassignment to the French armed forces outside the territory of the Republic of the Upper Volta.

#### *Article 12*

French military personnel serving in the Upper Volta armed forces shall be seconded to the Upper Volta command in accordance with the traditional rules governing the use of their branch or unit. All command decisions concerning them shall be brought to the notice of the French military authorities.

Likewise, all French command decisions concerning them shall be brought to the notice of the Upper Volta military authorities.

#### *Article 13*

This Agreement shall enter into force at the same time as the Treaty on co-operation<sup>1</sup> signed today.

DONE at Paris, on 24 April 1961.

For the Government  
of the French Republic:

[Signed]

MICHEL DEBRÉ

For the Government  
of the Republic of the Upper Volta:

[Signed]

MAURICE YAMÉOGO

<sup>1</sup> See p. 171 of this volume.

## ANNEX I

TO THE AGREEMENT ON TECHNICAL MILITARY ASSISTANCE BETWEEN THE FRENCH REPUBLIC AND THE REPUBLIC OF THE UPPER VOLTA CONCERNING THE STATUS OF MEMBERS OF THE FRENCH ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF THE UPPER VOLTA

*Article 1*

French military jurisdiction shall apply in respect of offences ascribed to a member of the French armed forces when they have been committed within those forces' installations.

It shall apply in respect of offences under the general law ascribed to a member of the French armed forces and committed outside those forces' installations only when evidence is produced that the offender was on duty.

In all other cases, the Upper Volta courts shall have jurisdiction.

*Article 2*

Each Government may request from the authorities of the other State a waiver by that State of its right of jurisdiction.

*Article 3*

The French armed forces may, in liaison with the Upper Volta authorities, use military police outside the installations to the extent necessary to maintain order and discipline among the members of the said forces.

*Article 4*

The Upper Volta authorities shall not arrest a member of the French armed forces except in cases of *flagrante delicto*. They shall immediately notify the French military authorities and shall hand over the person concerned in the shortest possible time.

When jurisdiction is not transferred, the accused shall, in the event of his having been remanded in custody by the Upper Volta judicial authorities, be detained in a prison belonging to the military authorities of that State.

If he is convicted, the provisions on the enforcement of penalties contained in the agreement on co-operation in judicial matters in force between the two Governments shall be applicable to the convicted person.

*Article 5*

Inquiries within the installations of the French armed forces shall be conducted by the French authorities, in the presence of the Upper Volta judicial authorities.

A person or persons committing an offence and accomplices thereto, if they are not members of the French armed forces, shall be handed over to the Upper Volta authorities within a period not exceeding 24 hours.

*Article 6*

In the case of offences committed in the Upper Volta against the French or Upper Volta armed forces or military installations, property and equipment, the French authorities and the Upper Volta authorities 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 army or their own military installations, property and equipment.

*Article 7*

The French Republic shall bear civil liability for acts committed by French military personnel while on duty.

In the same conditions, the Republic of the Upper Volta shall bear civil liability for acts committed by Upper Volta military personnel while on duty.

If the two Contracting Parties have been unable to reach an amicable settlement within six months, the dispute shall be settled in accordance with one of the procedures provided for by international law.

*Article 8*

Members of the French armed forces shall be taxed by the French Government and shall not be liable to direct taxes levied by the Republic of the Upper Volta and local authorities.

The Government of the French Republic shall pay to the Government of the Republic of the Upper Volta a counterpart sum which shall be established by mutual agreement commensurately with the size of the French military establishment and pursuant to the tax legislation of the Republic of the Upper Volta.

Equipment, material and supplies imported for the French armed forces shall enter and leave the country without customs duties and shall accordingly be exempt from all charges and taxes.



*Article 9*

Members of the French armed forces shall be furnished with identity or registration cards, specimens of which shall be deposited with the Government of the Upper Volta.

*Article 10*

The French military command may, for the exclusive use of members of the French armed forces, be provided with logistical support services, including a military pay office and an army post office.

It may set up and maintain shops, messes, clubs, recreational centres and social services.

The French authorities shall take the necessary steps to ensure that persons who are not entitled to obtain supplies from such establishments cannot obtain the goods sold there.

*Article 11*

Statutory provisions concerning outward tokens of respect applicable in the French armed forces and in the Upper Volta armed forces shall be observed by the members of each force towards the members of the other force.

*Article 12*

For the purposes of this annex, the following shall be considered as members of the French armed forces: civilian and military persons employed by the said forces who are not of Upper Volta nationality, as well as military personnel seconded by the French Republic to the Upper Volta armed forces.

Dependants, as defined by French law, of members of the French armed forces shall be regarded as members of the French armed forces for the purposes of applying articles 8, 9 and 10 of this annex.

However, dependants who are not engaged in the territory of the Republic of the Upper Volta in an occupation remunerated by the French Republic shall not benefit from the provisions of article 8 of this annex.

DONE at Paris, on 24 April 1961.

For the Government  
of the French Republic:

[Signed]

MICHEL DEBRÉ

For the Government  
of the Republic of the Upper Volta:

[Signed]

MAURICE YAMÉOGO

## ANNEX II

TO THE AGREEMENT ON TECHNICAL MILITARY ASSISTANCE BETWEEN THE FRENCH REPUBLIC AND THE REPUBLIC OF THE UPPER VOLTA, CONCERNING ASSISTANCE AND FACILITIES

*Article 1*

Military installations, such as military barracks, land and buildings, including those of the *gendarmerie*, situated in the territory of the Republic of the Upper Volta, shall be the property of the Upper Volta.

*Article 2*

So as to enable the French Republic to fulfil its commitments towards the Ivory Coast, Dahomey and the Niger, and in the spirit of solidarity which inspires the *Conseil de l'Entente*, the Republic of the Upper Volta shall grant the French Republic the right to fly over its territory and to make stops on its airfields.

*Article 3*

For the fulfilment of the same commitments on the part of the French Republic, the Republic of the Upper Volta shall authorize the transit through its territory of the French armed forces, following notification, together with duty-free entry of equipment and foodstuffs in transit, and shall grant them the necessary facilities.

DONE at Paris, on 24 April 1961.

For the Government  
of the French Republic:

[Signed]

MICHEL DEBRÉ

For the Government  
of the Republic of the Upper Volta:

[Signed]

MAURICE YAMÉOGO

EXCHANGE OF LETTERS SUPPLEMENTING ANNEX II TO THE AGREEMENT ON TECHNICAL MILITARY ASSISTANCE BETWEEN THE FRENCH REPUBLIC AND THE REPUBLIC OF THE UPPER VOLTA

I

Paris, 24 April 1961

Sir,

Article 2 of annex II to the Agreement on Technical Military Assistance between France and the Upper Volta states that the Republic of the Upper Volta shall grant the French Republic the right to fly over its territory and to make stops on its airfields.

I have the honour to confirm that the Republic of the Upper Volta undertakes to make available to the French Republic the installations required for the use of the facilities mentioned, including those currently allocated to the French Air Force at Ouagadougou.

I should be obliged if you would kindly inform me whether the Government of the French Republic agrees to the terms of this letter.

Accept, Sir, etc.

[Signed]

MAURICE YAMÉOGO

Mr. Michel Debré  
Prime Minister of the French Republic

II

Paris, 24 April 1961

Sir,

On 24 April 1961 you sent me a letter reading as follows:

[See letter I]

I have the honour to confirm the agreement of the Government of the French Republic to the terms of that letter.

Accept, Sir, etc.

[Signed]

MICHEL DEBRÉ

Mr. Maurice Yaméogo  
President of the Republic and Head of the Government  
of the Upper Volta

---