

No. 11755

**FRANCE
and
CONGO**

**Agreement concerning technical military assistance (with
annex). Signed at Brazzaville on 15 August 1960**

Authentic text: French.

Registered by France on 19 April 1972.

**FRANCE
et
CONGO**

**Accord concernant l'assistance militaire technique (avec
annexe). Signé à Brazzaville le 15 août 1960**

Texte authentique : français.

Enregistré par la France le 19 avril 1972.

[TRANSLATION — TRADUCTION]

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

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

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

Considering that, as a result of the Transfer Agreement of 12 July 1960,² which entered into force on 14 August 1960, the Republic of the Congo attained independence and the French Republic recognized it as an independent and sovereign State,

Considering that the Republic of the Congo has expressed the wish to co-operate with the French Republic within the Community of which it is a member, in accordance with the conditions set forth in the agreements of today's date,³

Having agreed as follows:

Article 1

In accordance with article 6 of the Defence Agreement⁴ 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 the Congo in the establishment of its *Gendarmerie* and its National Army.

Article 2

The Government of the Republic of the Congo 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 the Congo shall continue to serve in the French armed forces.

¹ Came into force on 24 January 1961, the date of the last of the notifications by which each Contracting Party notified the other of the completion of the procedures constitutionally required, in accordance with article 12.

² See p. 167 of this volume.

³ See pp. 181, 187, 193, 199, 209, 215, 241, 253 and 259 of this volume.

⁴ See p. 299 of this volume.

Personnel transferred to the Congolese armed forces shall retain therein any rights acquired as a result of their service in the French armed forces, including pension rights.

Nationals of the Republic of the Congo may serve in the French armed forces in accordance with the rules applicable to those forces.

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 the Congo, within mutually agreed limits.

Article 4

The French Republic shall transfer to the Republic of the Congo the installations required by its armed forces in accordance with the procedure prescribed by the Defence Committee.

Article 5

The Republic of the Congo undertakes to seek assistance exclusively from the French Republic in respect of the maintenance and further provision of equipment and supplies for its armed forces.

When items are not supplied free of charge, the financial arrangements concerning them shall be established by mutual agreement.

Article 6

The armed forces of the Republic of the Congo may seek assistance from the French armed forces in the matter of logistical support.

Article 7

A French Military Assistance Mission shall be made available to the Republic of the Congo to facilitate the establishment, staffing, instruction and administration of its armed forces.

The list of posts to be filled shall be established by mutual agreement.

The personnel of the Mission shall be made available to the Republic of the Congo to fill posts corresponding to their qualifications.

Article 8

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

Article 9

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 10

The military personnel made available to the Republic of the Congo 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 the Congo.

They shall serve in the armed forces of the Republic of the Congo 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 the Congo the rank corresponding to the rank which they held in the French armed forces or the rank immediately above.

All decisions concerning them taken by the Command of the National Army of the Republic of the Congo shall be reported to the chief of the Military Assistance Mission. In particular, any disciplinary penalties incurred shall be brought to the notice of the chief of the Mission. Such penalties may entail immediate reassignment to the French armed forces.

Conversely, all decisions concerning such personnel taken by the French military authorities shall be brought to the notice of the Military Command of the National Army.

Article 11

The Republic of the Congo undertakes to seek assistance exclusively from the French Republic in respect of the training of its officers.

Nationals of the Republic of the Congo 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 the Congo 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 12

Each Contracting Party shall notify the other of the completion of the procedures constitutionally 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 Brazzaville, on 15 August 1960.

For the Government
of the French Republic:

J. FOYER

For the Government
of the Republic of the Congo:

[Signed]
ABBÉ FULBERT YOULOU

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

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 bases or installations of such forces.

In other cases, the courts of the Republic of the Congo shall have jurisdiction. The Government of the Republic of the Congo 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 the Republic of the Congo 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 the Congo shall be informed.

The authorities of the Republic of the Congo 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 bases and installations of the French armed forces shall be carried out by the French authorities. However, where the rights of a Congolese national are affected and the Congolese authorities have accordingly been seized of the matter, the Congolese military authorities shall, at their request, be associated with such inquiries.

A person or persons committing an offence within such base or 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 the Congo in the shortest possible time. In such cases, the Congolese judicial authorities may be associated with any investigation proceedings undertaken at their request within the French military bases or installations.

The French armed forces may, in liaison with the authorities of the Republic of the Congo, use military police outside their bases and 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 the Congo against the armed forces or the military installations, property and equipment of France or the Congo, the authorities of the French Republic and the authorities of the Republic of the Congo 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 the Congo.

The Government of the Republic of the Congo 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 the Congo through the Government of the French Republic.

Subject to the provisions of the first paragraph of this article, the courts of the Republic of the Congo 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 the Congo, take all steps in their power to ensure compliance with the judgements and orders of the courts of the Republic of the Congo and to assist the authorities of the Republic of the Congo 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

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 Congo and its local authorities.

The Government of the French Republic shall pay to the Government of the Congo 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 Congo.

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 the Congo.

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 licence requirements and all sales taxes and duties.

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

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 the Congo 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 the Congo and to the French military personnel made available to the Republic of the Congo.

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 the Congo, activities subject to taxation.

For the Government
of the French Republic:

J. FOYER

For the Government
of the Republic of the Congo:

[Signed]
Abbé FULBERT YOLOU