

**No. 11730**

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**FRANCE  
and  
GABON**

**Defence Agreement (with annexes). Signed at Libreville  
on 17 August 1960**

*Authentic text: French.*

*Registered by France on 19 April 1972.*

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**FRANCE  
et  
GABON**

**Accord de défense (avec annexes). Signé à Libreville  
le 17 août 1960**

*Texte authentique : français.*

*Enregistré par la France le 19 avril 1972.*

[TRANSLATION — TRADUCTION]

DEFENCE AGREEMENT <sup>1</sup> BETWEEN THE FRENCH REPUBLIC AND THE GABONESE REPUBLIC

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The Government of the French Republic on the one hand,

And the Government of the Gabonese Republic on the other hand,

Considering that by virtue of the entry into force of the Transfer Agreement,<sup>2</sup> the Gabonese Republic has acceded to independence and that the French Republic has recognized it as an independent and sovereign State;

Recognizing their responsibilities with regard to the maintenance of peace in accordance with the principles of the Charter of the United Nations;

Considering that although both the internal and external defence of Gabon is the responsibility of the Gabonese Republic alone, the latter may, with the agreement of the French Republic, call upon the French armed forces for help in its internal or external defence;

Considering that it is the wish of the Gabonese Republic to co-operate with the French Republic within the Community to which it henceforth belongs under the terms laid down in the Franco-Gabonese agreements of today's date<sup>3</sup> concluded for this purpose;

Desiring to determine the arrangements for their co-operation in the field of defence;

Have agreed as follows:

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<sup>1</sup> Came into force on 14 February 1961, the date of the last of the notifications by which the Contracting Parties notified each other of the completion of the required procedures, in accordance with article 7.

<sup>2</sup> United Nations, *Treaty Series*, vol. 820, No. I-11721.

<sup>3</sup> *Ibid.*, Nos. I-11725, I-11726 and I-11727, as well as pp. 3, 11, 41, 49, 55 and 63 of this volume.

*Article 1*

The French Republic and the Gabonese Republic shall jointly prepare and ensure their defence and that of the Community to which they belong.

They shall extend aid and assistance to each other for this purpose and shall co-operate with each other at all times on questions of defence.

The general defence problems of the Community shall be dealt with at Conferences of Heads of State and of Government.

*Article 2*

A permanent joint Defence Committee shall be established to draw up the plan for defence and co-operation, particularly in the field of external defence, between the French Republic and the Gabonese Republic.

*Article 3*

The Gabonese Republic shall be responsible for its internal defence. It may request aid from the French Republic in accordance with the terms laid down in special agreements.

Gabonese armed forces shall participate with French armed forces, under a single command, in the external defence of the Community.

*Article 4*

Each Contracting Party shall provide the other with all facilities and assistance required for its defence and in particular the stationing, training and use of defence forces.

Such defence forces shall be composed in the main of armed forces of the Gabonese Republic and French armed forces responsible for the defence of the Community.

Sites and installations on the territory of the Gabonese Republic determined by mutual agreement shall be placed at the disposal of the latter to enable them to prepare and carry out their joint defence missions at all times and in all circumstances.

The French Republic shall transfer to the Gabonese Republic ownership and enjoyment of the military barracks and buildings required by the Gabonese army.

*Article 5*

The French Republic shall provide the Gabonese Republic with the aid needed to constitute its national armed forces.

*Article 6*

The arrangements for the application of this Agreement shall be laid down in annexes.

*Article 7*

The Contracting Parties shall notify each other of the completion of the procedures required for the entry into force of this Agreement and the annexes thereto, which shall take effect on the date of the last such notification.

DONE at Libreville on 17 August 1960.

For the Government  
of the French Republic:

J. FOYER

For the Government  
of the Gabonese Republic:

[Signed]  
LÉON MBA

## ANNEX I

CONCERNING MUTUAL ASSISTANCE AND FACILITIES  
IN THE FIELD OF DEFENCE

In order to provide the defence assistance and aid they have undertaken to extend to each other, the Contracting Parties have agreed on the following provisions:

*Article 1*

The military authorities of each of the Contracting Parties shall receive from the other Contracting Parties all the assistance they may need to carry out their responsibilities.

If necessary, special conventions shall be concluded to this end.

*Article 2*

The French armed forces shall have the right to unimpeded movement between their garrisons and to organize exercises and manoeuvres necessary for their

training. The authorities of the Gabonese Republic shall be advised, for their information, of any large movements by land.

The French armed forces shall have the right to use port, sea and river, road, railway and air installations. They shall have unimpeded movement within the air space and the territorial waters of the Gabonese Republic. They shall also have the right to establish and to use whatever beacons may be necessary on the territory and in the territorial waters of the Gabonese Republic.

*Article 3*

The French armed forces shall have the right to use the post and telecommunications system of the Gabonese Republic.

For strictly military purposes, they shall have the right to establish and operate their own communications on the territory of the Gabonese Republic.

The conditions for the operation of the radioelectric communications systems established on the territory of the Gabonese Republic shall be laid down in technical agreements.

*Article 4*

If necessary, and in accordance with the terms laid down in the technical agreements on the subject, the Gabonese Republic shall make available to the French armed forces the bases and installations required for carrying out their mission.

*Article 5*

The materials, equipment and supplies imported for the French armed forces shall come under the special entry régime in force on 1 July 1960.

*Article 6*

The Contracting Parties shall provide the contingents of troops required to constitute the defence forces mentioned in article 4 of the Defence Agreement.

In accordance with the conditions to be laid down in a subsequent agreement, the Gabonese Republic shall authorize its nationals to serve in the French forces, or to resume service in those forces, in accordance with the regulations applicable to those forces.

For the Government  
of the French Republic:

J. FOYER

For the Government  
of the Gabonese Republic:

[Signed]  
LÉON MBA

## ANNEX II

CONCERNING TECHNICAL MILITARY ASSISTANCE BETWEEN  
THE FRENCH REPUBLIC AND THE GABONESE REPUBLIC*Article 1*

In accordance with article 5 of the Defence Agreement, the French Republic shall provide the Gabonese Republic with the aid needed to constitute its *gendarmerie* and national armed forces.

*Article 2*

Under a plan drawn up by mutual agreement, the French Republic shall furnish without charge the initial military equipment and supplies required for establishing the Gabonese armed forces.

The Gabonese Republic shall, having regard to the assistance given to it by the French Republic and with a view to ensuring the standardization of armaments, apply to the French Republic for the assistance in the maintenance and renewal of the equipment of the Gabonese Army.

The expenses for the maintenance and operation of these forces shall be borne by the Gabonese Republic.

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

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

*Article 3*

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

In particular, Gabonese nationals serving in the French *gendarmerie* shall be transferred at the beginning of 1961.

The personnel transferred shall retain the pension rights and benefits acquired during their service with the French armed forces.

Personnel who have not been transferred shall have the option of requesting no longer to serve in those forces. This provision shall take effect as soon as the transfers have been completed and shall remain applicable for a period of

six 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 Gabonese Republic, through the present Agreement, shall agree that the Gabonese nationals currently serving in the French armed forces who have not been transferred under the first paragraph of this article or exercised the option available under the fourth paragraph thereof, should continue to serve in the French armed forces.

#### Article 4

The French Republic shall be responsible for training and instructing the cadres of the Gabonese Republic's army; in return, the Gabonese Republic shall not call upon any other source than the French Republic for the training of its cadres.

Gabonese nationals shall be admitted to the French *grandes écoles* and military establishments, either by competitive examination under the same conditions as French nationals or under a special quota adjusting those conditions.

For the time being, in order to accelerate the training of cadres, some Gabonese nationals 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 fees of pupils and trainees at French *grandes écoles* and military establishments.

#### Article 5

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

The list of posts to be filled shall be drawn up by the Government of the Gabonese Republic, which shall transmit it to the Government of the French Republic. It shall normally be revised every other year.

The aforesaid personnel shall be seconded to the Gabonese armed forces to fill specific 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 Gabonese authorities.

### Article 6

Personnel seconded to the Gabonese armed forces shall be appointed by the Government of the French Republic.

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 management and administration of the persons concerned shall be dealt with by a "Mission for Military Assistance to the Gabonese Army" which shall in particular ensure that they receive their pay in accordance with rules laid down by the French authorities.

The "Mission for Military Assistance to the Gabonese Army" shall be placed under the authority of the senior highest-ranking French officer seconded to the Gabonese Republic by the French Republic.

### Article 7

French military personnel shall be subject to French military jurisdiction or to Gabonese jurisdiction in accordance with the provisions laid down in annex III to the Defence Agreement.

They shall be subject to the rules of general discipline in force in the Gabonese armed forces.

Any disciplinary action they may incur shall be brought to the notice of the commander of the Mission for Military Assistance.

Military personnel liable to such action may be immediately reassigned to the French armed forces outside the territory of the Gabonese Republic.

French military personnel shall serve at the rank in the hierarchy of the Gabonese armed forces corresponding to their customary rank in the French armed forces.

### Article 8

French personnel serving in the Gabonese armed forces shall be seconded to the Gabonese Government in accordance with the rules governing the use of their branch or unit. With the exception of *gendarmerie* personnel, they shall not participate directly in policing operations unless the Defence Committee so decides.

All Gabonese 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 Gabonese military authorities.



*Article 9*

French military personnel seconded to the Gabonese Republic shall be taxed by the French Government and shall not be liable to direct taxes levied by the Gabonese Republic and its local authorities.

The Government of the French Republic shall pay to the Government of the Gabonese Republic a counterpart sum which shall be established by mutual agreement account being taken of the size of the French military establishment seconded to the Gabonese Republic and the tax legislation of the Gabonese Republic.

*Article 10*

Dependants of French military personnel, as determined by French law, shall, for the purposes of application of article 9 of this Agreement, be regarded as such personnel.

However, such persons shall not benefit from the provisions of article 9 if they carry on activities on the territory of the Gabonese Republic which are liable to taxation.

*Article 11*

The provisions of articles 7 (first paragraph), 9 and 10, concerning French military personnel seconded to the Gabonese Republic, shall also be applicable to members of the French armed forces on the territory of the Gabonese Republic.

For the Government  
of the French Republic:

J. FOYER

For the Government  
of the Gabonese Republic:

[Signed]  
LÉON MBA

## ANNEX III

CONCERNING THE STATUS OF THE FRENCH ARMED FORCES IN THE TERRITORY  
OF THE GABONESE REPUBLIC

*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' bases and 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' bases and installations only when evidence is produced that the offender was on duty.

In all other cases, the Gabonese 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 Gabonese authorities, use military police outside the bases to the extent necessary to maintain order and discipline among the members of the said forces.

#### *Article 4*

The French authorities shall make any accused person available to the competent Gabonese judicial authorities for all the proceedings relating to the investigation and for trial.

The Gabonese authorities shall notify the French authorities within 24 hours of the arrest of a member of the French armed forces. The notification shall mention the reasons for the arrest.

Members of the French armed forces brought before a Gabonese court or convicted by it shall be detained in a Gabonese military prison or in the military wing of a Gabonese penal institution. They shall be subject to the military régime.

#### *Article 5*

Inquiries within the bases or installations of the French armed forces shall be carried out by the French 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 Gabonese authorities within a period not exceeding 24 hours. In such cases, the Gabonese judicial authorities may be associated with any investigation proceedings undertaken at their request within French military bases and installations.

#### *Article 6*

In the case of offences committed in Gabon against the French or Gabonese armed forces or military installations, property and equipment, the French and

Gabonese 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 State shall bear civil liability for acts committed by French military personnel while on duty.

In the same conditions, the Gabonese State shall bear civil liability for acts committed by Gabonese military personnel while on duty.

If the two parties have been unable to reach an amicable settlement within six months, the case shall be subject to the procedure laid down by the agreement on settlement and the Court of Arbitration.

#### *Article 8*

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

#### *Article 9*

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

For the needs of members of the French armed forces, it may establish and maintain shops, messes, clubs, recreational centres and social services. These establishments shall enjoy the same exemption from licence fees, taxes and sales taxes as similar Gabonese establishments.

The French authorities shall take the necessary steps to ensure first that persons who are not entitled to obtain supplies from such establishments cannot obtain the goods sold there and, secondly, that the members of the French armed forces cannot resell the said goods.

#### *Article 10*

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

*Article 11*

The provisions of this Agreement shall apply to members of the French armed forces in Gabon and to the French military personnel seconded to the Gabonese armed forces.

Dependants of members of the French armed forces shall be treated as members of such forces for the purposes of articles 8 and 9 of this Agreement.

For the Government  
of the French Republic:

J. FOYER

For the Government  
of the Gabonese Republic:

[Signed]

LÉON MBA