

**No. 11713**

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**FRANCE  
and  
MADAGASCAR**

**Agreement on co-operation in the field of higher education (with  
exchange of letters). Signed at Tananarive on 27 June 1960**

*Authentic text : French.*

*Registered by France on 19 April 1972.*

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**FRANCE  
et  
MADAGASCAR**

**Accord de coopération en matière d'enseignement supérieur (avec  
échange de lettres). Signé à Tananarive le 27 juin 1960**

*Texte authentique : français.*

*Enregistré par la France le 19 avril 1972.*

[TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> ON CO-OPERATION IN THE FIELD OF  
HIGHER EDUCATION BETWEEN THE FRENCH RE-  
PUBLIC AND THE MALAGASY REPUBLIC

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The Government of the French Republic and the Government of the Malagasy Republic,

Considering that by virtue of the joint declaration of 26 June 1960 the Malagasy Republic has attained independence and the French Republic has recognized it as an independent and sovereign State,

Considering that the Malagasy Republic has stated its wish to co-operate with the French Republic within the Community, in which it will henceforth participate under the conditions set forth in the Franco-Malagasy agreements of today's date,<sup>2</sup>

Considering that, concurrently with the Malagasy language, the French language and the French type of education have been the historical instrument of the modern advancement and cultural, political, economic and social development of the Malagasy people,

Considering that in providing for two official languages in their Constitution the Malagasy people indicated their intention both of developing their traditions and their language and of strengthening the intellectual and spiritual bonds linking them to the community of French-speaking nations,

Have agreed as follows :

*Article 1*

The Contracting Parties agreed to make a concerted effort to develop and expand higher education in Madagascar and the Indian Ocean.

*Article 2*

The French Republic shall co-operate with the Malagasy Republic in order to ensure that Madagascar has higher education equal in quality to that provided by French universities and institutions of higher education.

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<sup>1</sup> Came into force on 18 July 1960, the date of the last of the communications by which each Contracting Party notified the other of the completion of the procedures required under their Constitutions, in accordance with article 13.

<sup>2</sup> See pp. 241, 247, 291, 299, 335, 343, 349, 357 and 363 of this volume.

The provisions of Ordinance No. , of provide the framework for such co-operation, save as otherwise agreed.

The French Republic shall assume sole responsibility, in accordance with the terms of this Agreement, for staff who, under the regulations governing higher education, are State employees. It shall make the necessary arrangements to appoint them in agreement with the Malagasy Republic. It undertakes to facilitate, by all means in its power, the access of Malagasy nationals to positions in higher education.

The French Republic shall contribute to the capital and current expenditure entailed.

### Article 3

The University of Madagascar shall be formally established on 1 November 1961.

The Contracting Parties shall, by mutual agreement, establish the dates for the opening of the institutions of higher education, having regard to the facilities available.

### Article 4

In application of the plan drawn up by the Board of the National Foundation for Higher Education, the institutions of higher education shall develop types of research and instruction in keeping with their particular fields of interest, both national and international.

They shall endeavour, *inter alia*, to provide training and advanced training for the senior scientific, technical and administrative personnel needed by the Malagasy Republic and by other interested States in the Community.

### Article 5

Degrees and diplomas in higher education awarded in Madagascar under the same conditions with regard to curricula, attendance requirements and examinations as the corresponding French degrees and diplomas shall be automatically valid in the territory of the French Republic and shall have all such effects as attach to the latter under French laws and regulations.

French degrees and diplomas in higher education shall be automatically valid in the territory of the Malagasy Republic and shall have the same effects as attach, under Malagasy laws and regulations, to the corresponding degrees and diplomas awarded in Madagascar.

In order to maintain effective equality of diplomas, the Malagasy Republic shall give effect in its territory to any amendments which may be made in the territory of the French Republic to the regulations concerning curricula, attendance requirements and examinations for the degrees and diplomas referred to in the first paragraph of this article.

*Article 6*

Any other diplomas or certificates that may be instituted by the National Foundation for Higher Education may, on the basis of a report by a commission constituted for the purpose by the Contracting Parties, be recognized in the territory of the French Republic as the equivalent of French diplomas.

*Article 7*

Private or foreign institutions of higher education may be granted authorization to operate in the territory of the Malagasy Republic only if they fulfil the requirements laid down in the laws and regulations, with the concurrence of the Board of the National Foundation and subject to agreement between the Contracting Parties. The Rector, who shall be the Director of Higher Education, shall be responsible for ensuring that the aforesaid requirements are fulfilled.

*Article 8*

The Rector of the University of Madagascar shall be designated by mutual agreement between the Contracting Parties.

*Article 9*

The staff appointed by the authorities of the French Republic in agreement with the Malagasy Republic shall continue to be subject to the regulations governing French higher education staff. The authorities and offices of the French Republic shall continue to exercise the administrative and disciplinary responsibilities conferred on them by French law in respect of such staff.

The aforesaid staff shall be subject to the provisions applicable to French personnel serving in Madagascar.

The salaries and allowances to which they are entitled shall be the responsibility of the French Republic and shall be paid to them directly by the French Republic.

*Article 10*

The Contracting Parties shall annually determine the permissible amount of programming and payment appropriations for the development of higher education. The appropriations made by the Contracting Parties may be allocated to the University or to a specific institution of higher education.

*Article 11*

The procedures for the application of this Agreement shall be determined, as necessary, by means of administrative arrangements.

*Article 12*

A Mixed Commission shall be established to keep under review the application of this Agreement. It shall comprise six representatives, three of whom shall be appointed by each Contracting Party. It shall elect a Chairman from among its members and shall meet at least once a year.

*Article 13*

Each Contracting Party shall notify the other of the completion of the procedures required under their Constitutions for the entry into force of this Agreement. This Agreement shall take effect on the date of the last such notification.

DONE at Tananarive, on 27 June 1960.

For the Government  
of the French Republic :  
J. FOYER

For the Government  
of the Malagasy Republic :  
[P. TSIRANANA]

## EXCHANGE OF LETTERS

## I

*From the President of the Malagasy Republic, Head of Government,  
to the Prime Minister of the French Republic.*

Sir,

Article 2 of the Agreement on co-operation in the field of higher education between the French Republic and the Malagasy Republic refers to an Ordinance establishing a National Foundation for Higher Education.

I have the honour to transmit herewith the text of the draft Ordinance which the Malagasy Government intends to adopt.

DRAFT ORDINANCE N°      ESTABLISHING A NATIONAL FOUNDATION FOR HIGHER  
EDUCATION

The President of the Republic, Head of Government,  
On the basis of a report by the Minister of National Education,  
Having regard to the Constitution of the Malagasy Republic, and particularly  
articles 2, 12, 43 and 48;

Having regard to National Assembly resolution No. 002 of 18 January 1960  
delegating certain powers to the Government,

Having heard the Constitutional Commission, and  
Acting within the Council of Ministers,  
Orders :

#### *Article 1*

A body to be known as the “ National Foundation for Higher Education ” shall be established. It shall have civil personality and shall comprise the University of Madagascar and its constituent and subsidiary institutions and the other public educational institutions responsible for the training of senior State officials.

The purpose of the Foundation shall be to ensure the functioning and promote the development of higher education in Madagascar.

It is established for an indefinite period of time.

#### *Article 2*

All degrees and diplomas shall be instituted by the Foundation and awarded by its constituent institutions.

#### *Article 3*

The Foundation shall have the fullest possible legal capacity : it may perform all the acts necessary for the attainment of its ends.

#### *Article 4*

The Foundation shall be administered by a Board consisting of the following members :

- 1) The President of the Republic, Head of Government, who shall be the Chairman,
- 2) The Minister of National Education and the Rector of the University of Madagascar, Director of Higher Education, who shall be the Vice-Chairman,
- 3) The Minister of Finance or his representative,
- 4) The Deans of the Faculties and the Directors of other institutions of higher education having civil personality,
- 5) A professor from each Faculty, elected by the Board of the Faculty,
- 6) Three representatives from the fields of basic and applied scientific research, appointed by the President of the Republic at the joint proposal of the Vice-Chairmen of the Board of the Foundation,
- 7) Four persons appointed under the same conditions, in consideration of their interest in the development of higher education,
- 8) The Director of Secondary Education.

The members of the Board in the fifth, sixth and seventh categories shall be appointed for a term of three years.

The decisions of the Board shall be taken by a two-thirds majority of the members present.

*Article 5*

The implementation of the Board's decisions shall be the responsibility of the Rector, acting in his capacity as Director of Higher Education. The Rector shall be the Administrator of the National Foundation.

*Article 6*

The Board of the National Foundation shall draw up the development plan for Malagasy higher education and scientific research within the limits of the funds and resources allocated for that purpose, decide on the orientation of education and research and give its views on all questions referred to it by its Chairman.

*Article 7*

The public institutions of higher education having civil personality shall be established by a decree of the President of the Republic, at the proposal of the Board of the Foundation.

At the proposal of the Rector, Director of Higher Education, and after deliberation by the Board of the Foundation, public institutions of higher education not having civil personality shall be established by order of the Minister of National Education, without prejudice to the provisions applicable to the establishment of university and faculty colleges.

*Article 8*

The University, its constituent or subsidiary institutions and other institutions of higher education shall be administered by Councils.

Administrative and financial supervision over them shall be exercised by the Rector, Director of Higher Education, on behalf of the Foundation.

*Article 9*

The University of Madagascar and the other public institutions of higher education shall be open to all students offering proof of the requisite qualifications for admission.

*Article 10*

The Malagasy Republic shall guarantee the teaching staff of institutions of higher education the right to exercise the traditional university privileges and freedoms.

*Article 11*

The French laws and regulations concerning higher education in force at the date of the publication of this Ordinance shall be incorporated into Malagasy law insofar as they do not conflict with this Ordinance.

The powers conferred by those laws and regulations on the President of the French Republic and the Prime Minister shall be exercised by the President of the Malagasy Republic, Head of the Government, acting on the proposal of the Board of the National Foundation.

The powers conferred with respect to higher education on the Ministers of the French Republic shall be exercised by the Minister of National Education of the Malagasy Republic who, in pursuance of this Ordinance shall delegate them to the Rector, Director of Higher Education.

The powers conferred on the Supreme Council of National Education and the Council of Higher Education of the French Republic shall be exercised by the Board of the National Foundation.

#### *Article 12*

The languages to be used in higher education shall, in accordance with the Constitution, be the Malagasy and French languages.

#### *Article 13*

The Institute of Higher Studies at Tananarive shall continue to operate pending the effective establishment of the University. Until then, the Director, Chairman of the Board of Higher Studies, shall perform the functions assigned to the Rector under this Ordinance.

#### *Article 14*

The instruments required for the application of this Ordinance shall be exempt from all Treasury dues.

#### *Article 15*

This Ordinance shall be published in the *Journal Officiel* of the Malagasy Republic.

Accept, Sir, etc.

[P. TSIRANANA]

## II

*From the Prime Minister of the French Republic  
to the President of the Malagasy Republic, Head of Government*

Tananarive, 27 June 1960

Sir,

You were kind enough to send me the following letter of today's date :

[*See letter I*]

I have the honour to take note of this communication and to confirm that the French Government agrees to the provisions of the draft Ordinance.

Accept, Sir, etc.

[MICHEL DEBRÉ]