

**No. 11548**

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**FRANCE  
and  
DAHOMEY**

**Agreement on technical military assistance (with annexes  
and supplementary exchange of letters). Signed at  
Paris on 24 April 1961**

*Authentic text: French.*

*Registered by France on 2 February 1972.*

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**FRANCE  
et  
DAHOMEY**

**Accord d'assistance militaire technique (avec annexes et  
échange de lettres additionnel). Signé à Paris le  
24 avril 1961**

*Texte authentique: français.*

*Enregistré par la France le 2 février 1972.*

[TRANSLATION — TRADUCTION]

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

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

*Article 1*

At the request of the Republic of Dahomey, the French Republic undertakes to assist the Republic of Dahomey 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 Dahomey all or part of the military equipment and supplies required for establishing the Dahomean armed forces.

*Article 3*

The Republic of Dahomey, 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 Republic.

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

For items which, after consideration by the regional defence council, cannot be provided by the French Republic, the Republic of Dahomey 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 Dahomey.

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<sup>1</sup> Came into force on 6 October 1961, the date of entry into force of the Treaty on co-operation of 24 April 1961 (see p. 83 of this volume), in accordance with article 13.

The Dahomean armed forces may seek assistance, in the matter of their logistical support, from the French armed forces.

#### Article 5

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

In particular, Dahomean 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 Dahomey, 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 Dahomey may authorize Dahomean 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 Dahomean 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 Dahomey and undertakes to devote the necessary financial and personnel resources to that purpose.

Dahomean 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 Dahomean nationals nominated by their Government, by agreement with the French Government and under a special quota determined annually upon a recommendation of the regional defence council, 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 Dahomey shall be examined in the regional defence council.

#### Article 9

The French Republic shall second to the Republic of Dahomey, 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 Dahomean 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 Dahomean authorities.

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

#### Article 10

French military personnel seconded to the Republic of Dahomey 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 Dahomean 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 stationed in the territory of the Republic of Dahomey.

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

*Article 11*

French military personnel seconded to the Republic of Dahomey 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 Dahomean army.

They shall serve at the rank in the hierarchy of the Dahomean 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 Dahomey.

*Article 12*

French military personnel serving in the Dahomean armed forces shall be seconded to the Dahomean 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 Dahomean military authorities.

*Article 13*

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

DONE at Paris, on 24 April 1961.

For the Government  
of the French Republic:

[Signed]

M. DEBRÉ

For the Government  
of the Republic of Dahomey:

[Signed]

HUBERT MAGA

<sup>1</sup> See p. 83 of this volume.

## ANNEX I

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

*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 Dahomean 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 Dahomean 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 Dahomean authorities shall not arrest a member of the French armed forces except in cases of *flagrans 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 Dahomean judicial authorities, be detained in a prison belonging to the Dahomean military authorities.

If he is convicted, the provisions on the enforcement of penalties contained in the Agreement on co-operation in judicial matters<sup>1</sup> 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 Dahomean 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 Dahomean authorities within a period not exceeding 24 hours.

<sup>1</sup> See p. 147 of this volume.

*Article 6*

In the case of offences committed in Dahomey against French or Dahomean armed forces or military installations, property and equipment, the French authorities and the Dahomean 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 Dahomey shall bear civil liability for acts committed by Dahomean 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 Dahomey and its local authorities.

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

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 Republic of Dahomey.

*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 Dahomean 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 Dahomean nationality, as well as military personnel seconded by the French Republic to the Dahomean 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 Dahomey 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]

M. DEBRÉ

For the Government  
of the Republic of Dahomey:

[Signed]

HUBERT MAGA

## ANNEX II

TO THE AGREEMENT ON TECHNICAL MILITARY ASSISTANCE BETWEEN THE FRENCH REPUBLIC AND THE REPUBLIC OF DAHOMEY CONCERNING MUTUAL ASSISTANCE AND FACILITIES WITH RESPECT TO DEFENCE

*Article 1*

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

*Article 2*

So as to enable the French armed forces to accomplish their mission effectively in accordance with articles 3 and 4 of the Defence Agreement, the Republic of Dahomey shall allow them unrestricted use of military barracks, buildings and land situated in the localities to be designated by the regional defence council.



The acquisition of such installations and barracks and the conditions governing their use shall be determined on a basis of agreement by the regional defence council.

#### *Article 3*

By "unrestricted use" the Contracting Parties shall understand all such rights and facilities relating to establishment, protection, supplying, training, liaison, communication, movement and traffic on Dahomean land and in Dahomean air space and territorial waters between installations as are required for the maintenance and safety of the forces and the performance of their missions, as established in article 4 of the Defence Agreement.

For the purposes of training and manœuvres, the French armed forces shall be able to use such facilities in their installations and on firing ranges.

#### *Article 4*

The Republic of Dahomey shall guarantee the French armed forces the use of its postal and telecommunications networks and of its coastal, sea, river, road, railway and air installations, the unimpeded transport of their personnel, equipment and foodstuffs, as well as the right to establish and use on its territory and in its territorial waters air and sea beacons and communications equipment required to ensure the security of the armed forces and the accomplishment of their missions.

The French military command shall give the authorities of the Republic of Dahomey advance notice of any major troop movements by land, sea or air.

In using the facilities specified in this article, the French armed forces shall comply with the relevant agreements or regulations in force and shall in any case be treated on an equal footing with the Dahomean armed forces.

#### *Article 5*

The Republic of Dahomey shall exempt the French Republic from taxes, duties and charges in respect of the installations, equipment and foodstuffs belonging to or used by the French armed forces.

#### *Article 6*

At the request of the French authorities, the Government of the Republic of Dahomey may exercise its right of acquisition on behalf of the French armed forces.

#### *Article 7*

The French military command shall be responsible for maintaining order and security within the installations provided for in article 2 of this annex.

#### *Article 8*

The French armed forces in the territory of the Republic of Dahomey may freely engage, recruit and discharge such civilian labour as they may require in accordance with the labour legislation in force in Dahomey.

*Article 9*

Should the French armed forces be required to move to another location, the two Governments shall agree in the regional defence council on new sites to be allocated for installations that meet the requirements of those forces.

The provisions of the Defence Agreement and its annexes shall be applicable to the installations situated on those new sites.

In the event that, following such moves, installations no longer will be used by the French armed forces, the latter shall return them to the Republic of Dahomey in the condition in which they were when they were made available to those forces. However, buildings and access roads built after that time by the French armed forces shall become the property of the Republic of Dahomey.

*Article 10*

The Republic of Dahomey undertakes to respect the existing easements held by the military installations of the French armed forces and to permit such changes in those easements as are required for technical reasons.

*Article 11*

Any request to station units of troops other than those of the Contracting Parties in the territory of the Republic of Dahomey shall be reviewed by the regional defence council prior to a decision by the Dahomean Government.

DONE at Paris, on 24 April 1961.

For the Government  
of the French Republic:

[Signed]

M. DEBRÉ

For the Government  
of the Republic of Dahomey:

[Signed]

HUBERT MAGA

EXCHANGE OF LETTERS SUPPLEMENTING THE AGREEMENT  
ON TECHNICAL MILITARY ASSISTANCE BETWEEN THE  
REPUBLIC OF DAHOMEY AND THE FRENCH REPUBLIC

I

THE PRIME MINISTER

Paris, 24 April 1961

Sir,

Article 7 of the Agreement on technical military assistance between your Government and the Government of the French Republic states the following:

“The Government of the Republic of Dahomey may authorize Dahomean 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.”

The Government of the French Republic undertakes not to assign Dahomean nationals so recruited into its forces to units stationed in the territory of States of the *Entente*, unless the regional defence council decides otherwise.

The said council shall establish the conditions and time-table for the gradual withdrawal from their units of Dahomean troops currently serving in the territory of States of the *Entente*.

I have the honour to request that you kindly confirm your agreement to these supplementary provisions, which the French Government asks that you consider confidential.

Accept, Sir, etc.

MICHEL DEBRÉ

Mr. Hubert Maga  
President of the Republic  
and Government of Dahomey

II

Paris, 24 April 1961

Sir,

On    you sent me a letter reading as follows:

[See letter I]

I have the honour to confirm the agreement of the Government of the Republic of Dahomey to the terms of that letter, which shall remain confidential.

Accept, Sir, etc.

[Signed]  
HUBERT MAGA

The Prime Minister  
of the French Republic