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No. 14230

**FRANCE
and
MADAGASCAR**

**Convention on military affairs (with annex and exchanges
of letters). Signed at Paris on 4 June 1973**

Authentic text: French.

Registered by France on 22 August 1975.

**FRANCE
et
MADAGASCAR**

**Convention relative aux affaires militaires (avec annexe et
échanges de lettres). Signée à Paris le 4 juin 1973**

Texte authentique : français.

Enregistrée par la France le 22 août 1975.

[TRANSLATION — TRADUCTION]

MILITARY AFFAIRS
CONVENTION¹

Article 1. The French Republic and the Malagasy Republic agree that, with effect from 1 September 1973, the responsibilities for joint defence which since 27 June 1960 have been exercised by the French Republic shall be assumed in their entirety by the Malagasy Republic.

The French armed forces shall accordingly transfer to the Malagasy armed forces the installations previously made available to them.

The case of those installations in which the French land and air force have a continuing interest shall be governed by article 9 and by an exchange of letters.

The case of the air and naval installations at Diego-Suarez shall be governed by the provisions set forth in articles 2 to 8.

Article 2. The Diego-Suarez base, which forms an integral part of the national territory, shall be entirely subject to Malagasy sovereignty.

The Malagasy Republic shall be solely responsible for its defence.

Article 3. The Diego-Suarez base shall be placed under a Malagasy command, which shall be responsible for its protection.

Article 4. The Malagasy Republic shall accord to the French Navy the following facilities, which may be renewed from year to year by tacit agreement:

- revictualling;
- maintenance and repairs;
- in-port services.

Article 5. In order to enable Malagasy officers to take over the technical services for the base and the dockyard in the most efficient manner and with the requisite technical standards, the French Navy, within its present strength of on-shore units and vessels (available vessels: one corvette, one coastal minesweeper, small tenders, one transport (LCT), one ocean-going tug), shall over a period of two years provide training to Malagasy technicians, using civilian and military personnel whose previous status shall be maintained.

After the expiry of that period, the Malagasy authorities may request the services of French technical assistance workers.

The French and Malagasy authorities shall draw up a plan for the Madagascanization of officers and personnel, which shall be reviewed annually, as shall the terms of any technical assistance that may be necessary.

Article 6. In order to promote the implementation of the provisions of article 5, the Malagasy Republic shall accord to the French Navy the facilities set forth in the annex hereto and shall place in its charge the installations used by it as at 25 January 1973.

¹ Came into force on 19 March 1975, the date of entry into force of the General Agreement signed at Paris on 4 June 1973 (see p. 261 of this volume).

Policing, surveillance and security services for such installations shall be provided jointly.

Article 7. The facilities granted under articles 4 and 6 shall in no case be used for purposes contrary to the fundamental objectives of Malagasy policy, which is based on neutrality and the principles of peaceful coexistence.

Article 8. The activities of the Diego-Suarez dockyard shall be taken over by a Malagasy corporation.

The structures and functioning of the corporation, and modalities for its establishment, shall be studied by a study association, which shall be established immediately after the signing of the present Agreement and shall submit its report to the two Governments not later than 1 March 1974.

Pending the establishment of the corporation, which should take place not later than 31 December 1974, the French technical services shall manage and operate the yard in such a way as to preserve optimum continuity of business activities.

Article 9. An *ad hoc* committee on military installations shall be appointed to settle the modalities for the transfer to the Malagasy authorities of the military installations previously made available to the French forces.

The committee, composed of eight members providing equal representation for the two sides, shall be presided over jointly by two persons designated by the French and Malagasy Governments.

Alternate members may be designated.

The committee may, to the extent necessary, delegate some of its functions to sub-committees providing equal representation for the two sides.

DONE at Paris on 4 June 1973.

For the Government of the French Republic:

[Signed]

JEAN-FRANÇOIS DENIAU

Secretary of State
to the Minister for Foreign Affairs

For the Government of the Malagasy Republic:

[Signed]

DIDIER RATSIRAKA

Minister for Foreign Affairs
Commander (Navy)

A N N E X

FACILITIES ACCORDED

The on-shore units and on-station vessels referred to in article 5 shall be placed under the authority of a naval captain approved by the Malagasy Republic with effect from 1 September 1973.

Navigation in Malagasy territorial waters

- for on-station vessels, within the perimeter defined as follows (Nosy-Mitsio-Rigny Bay), freedom to navigate, put into port and anchor after sailing orders have been deposited with the Malagasy command;
- prior authorization of any movement for vessels not on station;
- prior authorization of any movement for all vessels outside the perimeter defined above.

Putting into port and stationing of vessels

- prior authorization for anchoring and putting into ports of the Malagasy Republic, except for Diego-Suarez in the case of on-station vessels.
- The number of available on-station vessels must not exceed the number as at 25 January 1973 (one corvette, one coastal minesweeper, one ocean-going tug, small tenders, one transport (LCT)).

Overflight, landing and logistical support of aircraft

Only transport aircraft shall have, on conditions to be specified annually by the Malagasy Republic:

- (a) authorization to pass through Malagasy air space, and then only in the Diego-Suarez area;
- (b) the right to land at Andrakaka;
 - refuelling of aircraft: to be carried out by a Malagasy body.

On-shore accommodation

The French Navy shall be placed in charge of the installations which it is currently using, including the garrison mess and the combined services sick-bay and hospital (IHIA). IHIA shall admit personnel of the Malagasy armed forces and the French Navy and members of their families.

SAM and SRAF

SAM and SRAF, non-profit social institutions, shall be open to personnel of the Malagasy armed forces, who shall have equal representation on the management committees.

Goods supplied by SRAF shall be subject to a reduced rate of tax, in accordance with a quota fixed annually by the Minister of Economic Affairs and Finance, should the equal-representation management committee so recommend.

SAO

SAO shall retain its present status and shall continue to supply the Malagasy and French armed forces with tax-free goods. A Madagascanization programme shall be drawn up with the officer commanding the Malagasy Navy within the framework of the Military Agreement.

Military equipment and supplies

Equipment and supplies for the use of the French armed forces shall be exempt from all duties and taxes.

Fuel

The French Navy shall be supplied with petroleum products free of all duties and taxes. The technical standards for such supplies shall be those of the French Navy.

A joint body of the French armed forces and the Malagasy armed forces, providing equal representation for the two sides, shall be established to deal with all matters relating to supplies: invitations to tender, consideration and negotiation of tenders, selection of suppliers.

Orders for supplies shall be placed separately by the French and Malagasy armed forces.

Education

Education for the children of French personnel shall be provided according to the conditions agreed upon for cultural matters.

Living quarters

The base commander shall make available to the French Navy the living quarters occupied by it as at 25 January 1973, with the exception of the admiral's residence and related buildings, which shall revert to the Malagasy Republic.

Communication links, transmissions

- volume to be determined according to the actual needs of the French Navy in consultation with the Malagasy postal and telegraph service and the Malagasy armed forces.

DONE at Paris on 4 June 1973.

For the Government of the French Republic:

[Signed]

JEAN-FRANÇOIS DENIAU

Secretary of State
to the Minister for Foreign Affairs

For the Government of the Malagasy Republic:

[Signed]

DIDIER RATSIRAKA

Minister for Foreign Affairs
Commander (Navy)

EXCHANGES OF LETTERS

Ia

FRENCH REPUBLIC

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS

Paris, 4 June 1973

Sir,

Inasmuch as the Defence Agreement of 27 June 1960 is deemed to be abrogated with effect from 25 January 1973, military affairs have become the subject of a Convention between our two Governments dated 4 June 1973.

With a view to specifying the modalities for the application of the present Agreement in relation to the air and naval base at Diego-Suarez, the Government of the French Republic proposes for the approval of the Government of the Malagasy Republic the following supplementary provisions:

1. The purpose of the study association referred to in article 8 of the Convention shall be to study the taking over by a Malagasy corporation of the activities of the Diego-Suarez dockyard. Those activities shall continue to be oriented particularly to maintenance and repairs for the Malagasy and French Navies, which shall be considered to have priority, and to the economic development of Madagascar.

To this end, the association shall, in particular:

- study the specific problems of ship repair and construction in the Indian Ocean;
- review the technical, financial, legal, commercial and human conditions for DCAN operations at Diego-Suarez;
- make proposals concerning the structures and mode of functioning of the corporation, including the conclusion of any contract or agreement between the French Government and the corporation for technical management that may prove necessary;

determine the prospects of development of the yard and the time-table for transfer of responsibility for its activities, which should take place by 31 December 1974.

The study association shall be established immediately after the signing of the General Agreement, and at least 75 per cent of its capital shall be subscribed by the Malagasy Government.

2. All movable property of the dockyard acquired or installed since 26 June 1960 by the French Government shall be the property of the French Government.

3. Both national flags shall continue to be flown at the entrance to the joint installations referred to in article 6 of the Convention.

4. The Malagasy authorities shall devise a simplified procedure for authorizations over flight and landing at Ivato by military transport aircraft.

I have the honour to request you to inform me whether the Malagasy Government agrees to these proposals.

Accept, Sir, etc.

JEAN-FRANÇOIS DENIAU

Mr. Didier Ratsiraka
Minister for Foreign Affairs of the Malagasy Republic

Ia

Paris, 4 June 1973

Sir,

You have addressed to me a letter dated 4 June 1973, which reads as follows:

[*See letter Ia*]

I have the honour to inform you that the Government of the Malagasy Republic agrees to the proposals made in that letter.

Accept, Sir, etc.

[*Signed*]

DIDIER RATSIRAKA

Mr. Jean-François Deniau
Secretary of State to the Minister for Foreign Affairs of the French Republic

Ib

FRENCH REPUBLIC
THE SECRETARY OF STATE FOR FOREIGN AFFAIRS

Paris, 4 June 1973

Sir,

Inasmuch as the Defense Agreement of 27 June 1960 is deemed to be abrogated with effect from 25 January 1973, military affairs have become the subject of an Agreement between our two Governments dated 4 June 1973.

The Government of the French Republic has the honour to specify to the Government of the Malagasy Republic the arrangements that have been made for the application of this Agreement in relation to land and air forces.

French Army and Air Force troops will be progressively withdrawn from Madagascar in an orderly and disciplined manner.

Movements will be completed by 1 September 1973 for the following forces:

- staff and services stationed in Tananarive and their auxiliary units;
- the Third Infantry Regiment, Foreign Legion, at Diego-Suarez;
- the Second Marine Paratroop Regiment and Air Base 181 at Ivato.

The French members of the committee on military installations established under article 9 of the agreed provisions relating to military matters may be designated from among the personnel of the French forces in Madagascar. The number of personnel assigned to deal locally with any administrative questions that may remain after the departure of the military units shall not exceed 50 members of the armed forces.

Accept, Sir, etc.

JEAN-FRANÇOIS DENIAU

Mr. Didier Ratsiraka
Minister for Foreign Affairs of the Malagasy Republic

Ib

Paris, 4 June 1973

Sir,

You have addressed to me a letter dated 4 June 1973, which reads as follows:

[*See letter Ib*]

I have the honour to inform you that the Government of the Malagasy Republic agrees to the above proposals.

Accept, Sir, etc.

[*Signed*]

DIDIER RATSIRAKA

Mr. Jean-François Deniau
Secretary of State to the Minister for Foreign Affairs of the French Republic
