

No. 14698

FRANCE
and
MADAGASCAR

Exchange of letters constituting an agreement on the transfer to Madagascar of responsibility for the industrial plant of the Diego-Suarez Naval Construction and Weapons Board (with annexes, minutes of the talks between France and Madagascar and time-table for the disengagement of the French Navy from Diego-Suarez). Paris, 6 December 1974

Authentic text: French.

Registered by France on 9 April 1976.

FRANCE
et
MADAGASCAR

Échange de lettres constituant un accord concernant le passage sous responsabilité malgache des installations industrielles de la Direction des constructions et armes navales de Diégo-Suarez (avec pièces jointes, procès-verbal des conversations franco-malgaches et calendrier de désengagement de la marine française de Diégo-Suarez). Paris, le 6 décembre 1974

Texte authentique : français.

Enregistré par la France le 9 avril 1976.

[TRANSLATION — TRADUCTION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE MALAGASY REPUBLIC ON THE TRANSFER TO MADAGASCAR OF RESPONSIBILITY FOR THE INDUSTRIAL PLANT OF THE DIEGO-SUAREZ NAVAL CONSTRUCTION AND WEAPONS BOARD

I

Paris, 6 December 1974

Sir,

In order to facilitate the transfer to Madagascar of responsibility for the industrial plant of the Diego-Suarez Naval Construction and Weapons Board provided for in the Agreements of 4 June 1973,² you informed me that the French Government was prepared, as its means permitted, to make available to the Government of the Malagasy Republic, on a provisional basis, technical assistance personnel specializing in naval construction and repair.

I have the honour to propose to you the adoption of the following provisions:

1. Such personnel shall be subject to the provisions of the Convention on Technical Assistance between France and Madagascar of 4 June 1973.³
2. Their number, designation and terms of employment shall be those set forth in annexes I and II to the present letter.
3. Because of the technical and specific character of their assignments, the Government of the Malagasy Republic shall ensure that such personnel enjoy the material benefits described in annex III to the present letter.

I should be grateful if you would confirm that you agree to the provisions.

Accept, Sir, etc.

[Signed]

DIDIER RATSIRAKA
Minister for Foreign Affairs
of the Malagasy Republic

Mr. Pierre Abelin
Minister for Co-operation of the French Republic

¹ Came into force on 6 December 1974 by the exchange of the said letters.

² See "Convention on military affairs between France and Madagascar", in United Nations, *Treaty Series*, vol. 978, No. 1-14230.

³ See "Convention on technical assistance between France and Madagascar", in United Nations, *Treaty Series*, vol. 978, No. 1-14225.

ANNEX I
to the letter of 6 December 1974

NUMBER AND DESIGNATION OF TECHNICAL ASSISTANCE PERSONNEL

- | | | |
|----|--|----|
| 1. | Technical | |
| | Weapons engineer or marine engineer | 2 |
| | Weapons design and technology engineer or chief engineer | 5 |
| | Design and manufacturing technician or work superintendent | 16 |
| | Doctor | 1 |
| | Designer | 7 |
| | Foreman | 18 |
| | Highly skilled worker | 17 |
| | Instructor | 3 |
| 2. | Administrative | |
| | Computer expert | 1 |

This list is subject to review in the light of the progress made in the Madagascarization of posts and in any event every year.

DONE at Paris, on 6 December 1974.

For the Government of the French Republic:

[Signed]

PIERRE ABELIN
Minister for Co-operation

For the Government of the Malagasy Republic:

[Signed]

DIDIER RATSIRAKA
Minister for Foreign Affairs

ANNEX II
to the letter of 6 December 1974

TERMS OF EMPLOYMENT OF TECHNICAL ASSISTANCE PERSONNEL

1. Technical assistance personnel shall be made available to the Government of the Malagasy Republic for assignment at Diego-Suarez to work for the Malagasy corporation operating the dockyard.

2. The Government of the French Republic shall designate from among such personnel an official to serve as an intermediary between the personnel and the management of the corporation, with a view to preventing and solving such difficulties as may arise, without prejudice to the hierarchical structure within the corporation.

The functions of this official shall be laid down in a document specifying the material conditions of work of such personnel within the corporation.

3. The provisions of the exchange of letters of 4 June 1973 concerning the determination of the gross taxable amount of remuneration not fixed by contract shall be applicable to all salaries and allowances received by such personnel, including overtime payments.

4. The Government of the Malagasy Republic shall pay for each official a special standard allowance for technical personnel of 400 French francs per month, equivalent in 1973 to 20.000 Malagasy francs.

DONE at Paris, on 6 December 1974.

For the Government of the French Republic:

[Signed]

PIERRE ABELIN
Minister for Co-operation

For the Government of the Malagasy Republic:

[Signed]

DIDIER RATSIRAKA
Minister for Foreign Affairs

ANNEX III

to the letter of 6 December 1974

FACILITIES ACCORDED TO TECHNICAL ASSISTANCE PERSONNEL

The Government of the Malagasy Republic shall ensure that the corporation provides the technical assistance personnel specializing in naval construction and repair with the facilities described below:

1. Such personnel shall receive free furnished housing with the appropriate facilities. Housing shall be allocated on the basis of the family situation and seniority of the persons concerned. It shall not be considered to represent supplementary remuneration.

2. The Government of the Malagasy Republic shall make available to the corporation, through the Malagasy armed forces, social and health facilities to enable technical assistance personnel and their families to enjoy medical care, hospitalization benefits and social services (staff stores, mess, rest centre, holiday camps, club, playing fields and occasional transport by military aircraft), on the same terms and conditions as Malagasy staff of similar status.

DONE at Paris, on 6 December 1974.

For the Government of the French Republic:

[Signed]

PIERRE ABELIN
Minister for Co-operation

For the Government of the Malagasy Republic:

[Signed]

DIDIER RATSIRAKA
Minister for Foreign Affairs

II

Paris, 6 December 1974

Sir,

You have addressed to me a letter, dated 6 December 1974, which reads as follows:

[See letter I]

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

Accept, Sir, etc.

[Signed]

PIERRE ABELIN
Minister for Co-operation
of the French Republic

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

MINUTES

OF THE TALKS BETWEEN FRANCE AND MADAGASCAR (14 NOVEMBER-4 DECEMBER 1974)
CONCERNING DIEGO-SUAZES

Within the framework of the agreements signed by the Government of the French Republic and the Government of the Malagasy Republic on 4 June 1973, talks between France and Madagascar began in Paris on 14 November 1974 concerning, on the one hand, the timetable for the withdrawal of the French navy and, on the other hand, the taking over of the Diego-Suarez dockyard by the Malagasy Government.

The Malagasy delegation was led by His Excellency Mr. Didier Ratsiraka, Minister for Foreign Affairs of the Malagasy Republic. Mr. Pierre Abelin, Minister for Co-operation, led the French delegation.

The French delegation confirmed that, in accordance with the agreements of June 1973, the French navy units would be progressively withdrawn from Diego-Suarez from the beginning of 1975, so that the last sailor would have left by the deadline of 4 June 1975 set by the agreements.

A disengagement time-table was agreed on by the two delegations (cf. sections 1 and 2 of the document annexed hereto). With respect to the facilities referred to in section 3 of the aforementioned document which are requested of the Malagasy Government, the Malagasy delegation will inform the French delegation of the reply of the Malagasy Government by 1 January 1975.

It was agreed, in addition, that the French Government would make available to the Malagasy Government, within the framework of military technical assistance, two officers and one petty-officer, who would hold the following posts respectively: technical adviser to the harbour-master; technical adviser to the commander of BATRAM; pilot with the Port Authority.

Finally, it was agreed that the Malagasy corporation referred to in article 8 of the Convention on Military Affairs of 4 June 1973 would be established on 1 January 1975 and would assume actual responsibility for the dockyard of the present Diego-Suarez Naval Construction and Weapons Board on 1 February 1975.

To make it easier for the Government of the Malagasy Republic to take over the future corporation, the French Government will extend to the Malagasy Government, on an interim basis, technical assistance in the form of naval construction and repair experts. Their status will be specified in an exchange of letters between the two Governments.

With respect to health, the French delegation agreed in principle to make available to the Malagasy armed forces 12 technical assistants:

- 1 hospital surgeon or surgeon's assistant;
- 1 resident surgeon;
- 1 assistant doctor;
- 1 resident doctor;
- 1 pharmacist;
- 1 dental surgeon;
- 1 administrative adviser on hospital management;
- 4 male nurses, including 1 biochemist/laboratory assistant, 1 bacteriologist/laboratory assistant, 1 anaesthetist and 1 radiographer;
- 1 prosthetist.

The French Government will transmit to the Malagasy Government at the earliest opportunity the list of supplies which could be transferred to the latter.

Paris, 6 December 1974.

PIERRE ABELIN
Minister for Co-operation
of the Government of the French Republic
Head of the French delegation

His Excellency Mr. Didier Ratsiraka
Minister for Foreign Affairs of the Malagasy Republic
Head of the Malagasy delegation

TIME-TABLE FOR THE DISENGAGEMENT OF THE FRENCH NAVY FROM DIEGO-SUAREZ

It is suggested to the Malagasy authorities that the tentative time-table below should, if necessary, be modified at the local level to the satisfaction of the two parties.

1. *Agencies to be taken over by the Malagasy Government*

1 March

Termination of rigging, berthing, accommodation and supply activities performed for the fleet by the commissioner's office.

Closing of the "Surcouf" club.

Transfer to the Malagasy armed forces of DCM shops (laundry, HCC shop).

1 April

Transfer to Madagascar of responsibility for SRAF.

Acquisition of *coopérant* status by DSS staff required to remain at Diego-Suarez.

Transfer to Madagascar of responsibility for the TM "Marine" water services (pumping station situated in the fuel oil depot and distribution network).

Transfer to Madagascar of responsibility for the "Marine" purification service.

Transfer to Madagascar of responsibility for harbour control and taking up of duties by the two *coopérants* expected. Some of the French military personnel at the Port Authority will

be repatriated only towards 1 May so that they can provide any supplementary services required during the change-over.

Transfer to Madagascar of responsibility for the joint mess club. The French navy could, if necessary, render assistance until about 15 May (one or two petty-officers).

15 April

Withdrawal of the C47 and equipment and personnel not needed by the runway team.

Transfer to Madagascar of responsibility for the Joffreville and Ramena rest centres.

1 May

Transfer to Madagascar of responsibility for all workshops still under DCM control, except the refrigeration plant.

Handing over of the fuel depot to the Malagasy Government.

Operation of the health service under its new statute (transitional phase 1 May-4 June).

Closing of the earth transmission station.

Transfer to Madagascar of responsibility for STTL. It is requested that the names of the Malagasy purchasing agency or agencies should be publicized locally.

Transfer to Madagascar of responsibility for the fire service.

Termination of activities of the secondary motor-car centre.

15 May

Or at an earlier date to be set together with the Malagasy authorities according to their intentions: transfer to Madagascar of responsibility for the Andrakaka airfield.

1 June

Handing over of the refrigeration plant to the Malagasy authorities.

Handing over of the Marino hotel to the Malagasy authorities.

NOTE. The departure dates of the French personnel staffing the aforementioned agencies will depend on the possibilities for transfer and will be as soon as possible after the transfers of responsibility.

2. *Agencies not to be taken over by the Malagasy Government*
(Approximate dates given for information)

1 April

On-station vessels will cease to be administered by Marine Diego-Suarez, except LCT.

1 May

LCT ceases to be administered by Marine Diego-Suarez. Substantial reduction in CAMMAD activities.

Disbandment of the protection company.

15 May

Departure of the marine gendarmerie.

Closing of the military security post.

1 to 4 June

End of phasing out and closing of all the other agencies: reduction of French units to skeleton wind-up staff.

3. *Facilities requested of the Malagasy Government in order to keep to the time-table*

Landing rights at the Arrachart airfield for French military transport aircraft.

Authorization for French navy transport vessels not on station to put into port at Diego-Suarez.

Simplification of customs procedures and administrative formalities for the repatriation of personnel and equipment.

Lump-sum transfer of currency to the management of the commissioner's office, the modalities to be determined locally.

Establishment at the local level of a simple procedure for handing over responsibility for the installations, which will be transferred as the disengagement proceeds, according to the provisions set forth by the local Franco-Malagasy Committee. (Extension of article 9 of the agreements of June 1973 to the French navy, with the aforementioned local Committee playing the role of the equal-representation transfer committee.)

Assurance that French units will enjoy, on the same terms as those formerly applicable to the Malagasy armed forces, the benefits extended by supporting agencies taken over by Madagascar, in particular:

- The Port Authority should continue to provide the French navy with all the services it needs (assistance in manœuvring vessels, transport of personnel and equipment to the roads);*
- Use by French navy personnel of the rest centres and social services transferred;
- Provision of board and lodging to French military personnel and their families at the joint club;
- Storage and delivery of fuel;
- Use, as and when necessary, of the vehicles and equipment ceded to the Malagasy Government.

Maintenance for a maximum of two months after 4 June of a skeleton wind-up staff** of French navy personnel, consisting of no more than about 20 persons who shall benefit by the provisions of the agreements concerning status, housing, supplies, etc. It is requested that material support for the skeleton staff should be provided by the Malagasy armed forces and that they should enjoy the facilities described above.

Administrative support for that staff would be the responsibility of the French Consulate General.

* These transport services will virtually be reduced to nil if landing rights at the Arrachart airfield are granted.

** A similar skeleton staff for the French army and air force had already been implicitly provided for in the 1973 agreements (exchange of letters of 4 June 1973).