

**No. 16162**

---

**FRANCE  
and  
SENEGAL**

**Agreement on co-operation in defence matters (with annexes). Signed at Paris on 29 March 1974**

*Authentic text: French.*

*Registered by France on 29 December 1977.*

---

**FRANCE  
et  
SÉNÉGAL**

**Accord de coopération en matière de défense (avec annexes).  
Signé à Paris le 29 mars 1974**

*Texte authentique : français.*

*Enregistré par la France le 29 décembre 1977.*

[TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> ON CO-OPERATION IN DEFENCE MATTERS BETWEEN  
THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOV-  
ERNMENT OF THE REPUBLIC OF SENEGAL

The Government of the French Republic, on the one hand,  
The Government of the Republic of Senegal, on the other hand,  
Considering the ties of friendship between the two countries,

Aware of their responsibilities with regard to the maintenance of peace in accordance with the principles of the Charter of the United Nations,

Considering that, although the defence, both internal and external, of Senegal is the responsibility of the Republic of Senegal alone, the latter may call upon the French Republic for help in its external defence,

Desiring to determine the modalities of their co-operation in defence matters, on the basis of equality and mutual respect and interest,

Have agreed as follows:

*Article I.* The Government of the French Republic and the Government of the Republic of Senegal shall extend to each other aid and assistance for purposes of their external defence against any threat.

General defence matters shall be dealt with at the level of the Heads of State and Government of the two countries.

A joint defence committee, which shall meet upon request, shall be established to draw up the plan for defence and co-operation in the field of external defence between the Government of the French Republic and the Government of the Republic of Senegal.

*Article II.* The Government of the French Republic shall transfer to the Government of the Republic of Senegal ownership of all the barracks, land and buildings, including those of the *gendarmérie*, which are currently being used for military purposes in Senegalese territory. This transfer shall also apply to all ancillary facilities, including the telephone system.

Once the transfer has been effected, the Government of the French Republic undertakes to participate, together with the Government of the Republic of Senegal, in converting the D.C.A.N. The modalities of the conversion shall be established in a convention.<sup>2</sup>

*Article III.* The Government of the French Republic shall provide the Government of the Republic of Senegal with the technical assistance needed to organize, arm, equip and train cadres and shall admit Senegalese to the French *grandes écoles* and military establishments.

<sup>1</sup> Came into force on 1 September 1976, i.e., the first day of the second month that followed the date of exchange of the notifications (effected on 16 July 1976) by which the Parties informed each other of the completion of their constitutional formalities, in accordance with article V.

<sup>2</sup> See "Convention on the future of the *direction des constructions et armes navales* between the Government of the French Republic and the Government of the Republic of Senegal signed at Paris on 29 March 1974", in United Nations, *Treaty Series*, vol. 1062, No. 1-16169.

The conditions relating to technical military assistance by the French Republic and the admission of Senegalese to the *grandes écoles* and military establishments are laid down in annex I of this Agreement.

*Article IV.* The Republic of Senegal, in the light of its friendly relations with the French Republic and in exchange for the assistance extended to it by the latter, undertakes in return to provide the French Republic with the facilities that prove necessary.

The number and nature of such facilities are defined in annex II of this Agreement.

*Article V.* This Agreement and its annexes shall come into force on the first day of the second month following the exchange of instruments attesting to the completion of the necessary constitutional formalities by each Contracting Party.

They may be terminated at any time by either of the Contracting Parties upon a year's notice.

DONE at Paris on 29 March 1974.

For the Government  
of the French Republic:  
The Minister  
for Foreign Affairs,  
[Signed]  
MICHEL JOBERT

For the Government  
of the Republic of Senegal:  
The Minister  
for Foreign Affairs,  
[Signed]  
ASSANE SECK

## A N N E X I

### CONCERNING TECHNICAL MILITARY ASSISTANCE PROVIDED BY THE FRENCH REPUBLIC TO THE REPUBLIC OF SENEGAL

*Article I.* The Senegalese armed forces may seek assistance from the French armed forces in the matter of logistic support.

The Republic of Senegal shall, in view of the assistance provided to it by the French Republic, apply first to the French Republic for the maintenance and provision of equipment and parts. Should the French Government be unable to comply with the requests, the Senegalese Government would apply to third countries.

Where items are not supplied free of charge, the financial arrangements concerning them shall be established by mutual agreement.

*Article II.* The Senegalese nationals who served with the French armed forces and were transferred to the Senegalese armed forces shall retain therein the pension rights and benefits acquired as a result of their service with the French armed forces.

*Article III.* Senegalese nationals shall be admitted by competitive examination to the French *grandes écoles* and military establishments either under the same conditions as French nationals or under a special quota adjusting these conditions.

The French Government shall be responsible for payment of the transportation costs and the fees of Senegalese nationals at French *grandes écoles* and military establishments.

Before leaving Senegal, Senegalese nationals shall undertake to return to national territory at the end of their training. The Government of the French Republic shall make every possible effort to assist the Government of the Republic of Senegal in ensuring fulfilment of that undertaking.

The civil liability of the French State shall be substituted for that of Senegalese students and trainees for acts performed by them while on duty or in connexion with their duties. In the case of personal acts not performed in the course of duty, the French Government may request the Senegalese Government to reimburse the amounts paid.

The Senegalese Government shall be responsible for payment of the salaries and the cost of maintenance, housing, food, health care and social security for its trainees.

The Republic of Senegal undertakes to apply first to the French Republic in connexion with the training of its military cadres; should the French Government be unable to comply with the requests, the Senegalese Government would apply to third countries.

*Article IV.* Offences committed by Senegalese trainees admitted to French *grandes écoles* and military establishments shall come under the jurisdiction of the French judicial authorities, except in the case of offences committed by them while on duty or in connexion with their duties. For the purposes of this annex, any member of the military who is acting in the normal discharge of his functions or is on mission by order of his superior shall be considered to be on duty.

In the case of offences committed in the course of duty, the perpetrators shall be handed over within 24 hours to the Embassy of Senegal in France, which shall repatriate them to Senegal, where all necessary proceedings against them shall be instituted.

The Government of the Republic of Senegal is required to inform the Government of the French Republic of the judicial outcome of such cases.

Senegalese trainees who have been brought before a French court and whose detention is considered necessary shall be assigned a residence by and under the responsibility of the Embassy of Senegal, which shall ensure that they appear in court at the request of the competent French judicial authorities.

If sentenced to imprisonment by a French court, Senegalese trainees shall be handed over to the Embassy of Senegal for repatriation and shall serve their sentences in a Senegalese prison. The Senegalese Government is required to inform the Government of the French Republic of the place of imprisonment and the conditions under which sentence is carried out.

Commutation, reduction, remission, release on parole and other procedures for the enforcement of sentences shall be determined according to the legislation of the Senegalese State upon consultation with the State counsel to the French court which passed sentence. The Senegalese Government shall give notice of such decisions to the State counsel to the French court which passed sentence.

The provisions of the three preceding paragraphs shall apply to the members of the family of the trainee who reside with him.

*Article V.* The French Republic shall, as far as possible, second to the Republic of Senegal, in accordance with the stated requirements of the latter, such officers and non-commissioned officers as may be needed for the organization and training of the Senegalese armed forces.

Each year, the Republic of Senegal shall draw up and transmit to the French Republic a list of posts to be filled, a description of the posts in question, the qualifications needed and the duty stations of the personnel to be appointed. The list shall, as a rule, be revised each year.

The French Republic shall inform the Republic of Senegal which posts it is able to fill.

French military personnel shall be appointed by the French Government, subject to the agreement of the Government of the Republic of Senegal. They shall be seconded to the Government of the Republic of Senegal to fill posts corresponding to their qualifications.

They shall be paid in full by the French authority and shall, together with their families, be housed by the Senegalese authority.

*Article VI.* The secondment shall be for a fixed period in accordance with French regulations on residence abroad. It may be renewed or interrupted at the request of one of the Parties.

Any change in place of residence during the tour of duty shall be decided upon after consultation between the competent authorities of the Republic of Senegal and the competent authorities of the French Republic.

The management and administration of the persons concerned shall be dealt with by a "Bureau for Military Assistance to the Senegalese Army", which shall ensure, *inter alia*, 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 Senegal.

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

*Article VII.* French military personnel serving in the Senegalese armed forces shall serve at the rank in the hierarchy of the Senegalese armed forces corresponding to their customary rank in the French armed forces and shall wear the Senegalese military uniform. They are required to comply with the regulations and orders in force in the Senegalese armed forces.

They shall not take part in combat operations or operations aimed at restoring public order or the rule of law.

*Article VIII.* French military personnel seconded for service to the Government of the Republic of Senegal shall retain the status they have under French regulations.

Evaluations by the Senegalese authorities of the performance of the personnel concerned, together with any requests for disciplinary action, shall be transmitted to the French Government, which is required to inform the Senegalese authorities of action taken concerning such requests.

The Senegalese and French Governments may both take the initiative in compulsorily terminating the assignment of a technical military assistant during his tour of duty.

The French authorities may dispatch missions to study problems involving the situation of French military personnel in relation to their status. The names and qualifications of the persons entrusted with such missions shall in each instance be communicated in advance to the Government of the Republic of Senegal. The latter shall, to the best of its ability, facilitate the carrying out of such missions, the cost of which shall be borne by the French Government.

*Article IX.* French military personnel shall, in the performance of their duties, be regarded as Senegalese military personnel where assistance and protection are concerned.

The Government of the Republic of Senegal shall be responsible for compensation for damage caused by French personnel in the performance of their duties or in connexion therewith.

Where damage results from a personal act, compensation for it shall be the responsibility of the Government of the French Republic.

In the case of damage sustained by French military personnel in the performance of their duties or in connexion therewith, except as a result of a personal act, the Government of the Republic of Senegal shall pay fair compensation. Requests for compensation shall be transmitted to the Government of the Republic of Senegal through the Government of the French Republic.

*Article X.* Offences committed by French technical military assistants shall come under the jurisdiction of the Senegalese authorities, except in the case of offences committed by them while on duty or in connexion with their duties.

For the purposes of this annex, any member of the military who is acting in the normal discharge of his functions or is on mission by order of his superior shall be considered to be on duty.

In the case of offences committed in the course of duty, the perpetrators shall be handed over within 24 hours to the Embassy of France in Senegal, which shall repatriate them to France, where all necessary proceedings against them shall be instituted.

The Government of the French Republic is required to inform the Government of the Republic of Senegal of the judicial outcome of such cases.

French personnel who have been brought before a Senegalese court and whose detention is considered necessary shall be assigned a residence by and under the responsibility of the Embassy of France, which shall ensure that they appear in court at the request of the competent Senegalese judicial authorities.

If sentenced to imprisonment by a Senegalese court, French personnel shall be handed over to the Embassy of France for repatriation and shall serve their sentences in a French prison. The French Government is required to inform the Government of the Republic of Senegal of the place of imprisonment and the conditions under which sentence is carried out.

Commutation, reduction, remission, release on parole and other procedures for the enforcement of sentences shall be determined according to the legislation of the French State, upon consultation with the State counsel to the Senegalese court which passed sentence. The French Government shall give notice of such decisions to the State counsel to the Senegalese court which passed sentence.

The provisions of the three preceding paragraphs shall apply to the members of the family of the technical military who reside with him.

*Article XI.* French military personnel and their families shall be subject to the tax system established in article XIX of the Convention concerning personnel assistance provided by the Government of the French Republic to the Government of the Republic of Senegal.<sup>1</sup>

*Article XII.* The Government of the Republic of Senegal shall grant to military personnel seconded to it the temporary right to import their personal effects and possessions, including a motor vehicle, for a period of six months from the time they first set up residence.

Such personnel may also acquire personal effects and possessions under the temporary import regulations.

DONE at Paris on 29 March 1974.

For the Government  
of the French Republic:  
The Secretary of State  
to the Minister  
for Foreign Affairs,  
[Signed]  
JEAN DE LIPKOWSKI

For the Government  
of the Republic of Senegal:  
The Minister  
for Foreign Affairs,  
[Signed]  
ASSANE SECK

## A N N E X II

### FACILITIES GRANTED BY THE REPUBLIC OF SENEGAL TO THE FRENCH REPUBLIC

*Article I.* The Republic of Senegal shall allow the French Republic to station French troops and military equipment on its territory. A report on such troops and such equipment shall be made every six months to the Government of the Republic of Senegal.

#### *Title I.* THE INFRASTRUCTURE AND ITS USE

*Article II.* The Republic of Senegal shall make military buildings and land available to the French Republic. Such facilities shall be situated solely in the Cape Verde peninsula.

The French armed forces shall have unrestricted use, for military purposes, of the various components of the facilities made available to them.

The various components of each facility, together with the complementary elements, shall be determined by agreement between the Parties.

*Article III.* French armed forces stationed in Senegal shall be entitled to move between their facilities situated in the Cape Verde peninsula and to set up training exercises within the peninsula as required, except in the case of a serious domestic development.

The French military command must apply to the authorities of the Republic of Senegal for prior authorization for all movements by sea or by air. The only authorized movements by land

<sup>1</sup> United Nations, *Treaty Series*, vol. 1062, No. 1-16173.

outside the Cape Verde region shall be in connexion with: access to the firing range (Thiès), joint Franco-Senegalese manœuvres, or a disaster.

*Article IV.* The French armed forces may use the postal and telecommunications system of the Republic of Senegal. For their strictly military needs, and with the prior consent of the Senegalese authorities, they shall be entitled, under conditions defined by agreement between the Parties, to establish and make use of their own liaison system in Senegal.

*Article V.* The Republic of Senegal shall offer the French Republic the possibility of free transit for the personnel of its armed forces through the territory of the Republic of Senegal, except in the case of organized detachments. The possibility shall also be offered for the transit of military provisions and *matériel* free of customs duties and taxes.

*Article VI.* The French armed forces command shall be responsible in the first instance for maintaining order and security within the various components of each facility made available to the French Republic.

*Article VII.* The French armed forces may engage, recruit and discharge such civilian labour as they may require, in accordance with Senegalese labour legislation.

*Article VIII.* Any change in the existing easements for the utilization of facilities shall be permitted only with the prior approval of the Senegalese authorities.

## *Title II.* STATUS OF THE MEMBERS OF THE FRENCH ARMED FORCES STATIONED IN SENEGAL

*Article IX.* The only persons recognized as members of the French forces shall be military personnel serving in the three branches of the armed forces, the *gendarmerie* and the common services, civilian personnel attached to the Ministry for the Armed Forces and members of their families.

Members of the French armed forces shall be furnished with identity or registration cards, copies of which shall be deposited with the Government of the Republic of Senegal.

Detailed lists of the members of the French armed forces and their families shall be transmitted to the Government of the Republic of Senegal every six (6) months.

When travelling for personal reasons, members of the French armed forces must wear civilian clothing, and they may be prohibited from travelling in certain areas of Senegalese territory.

Members of the French armed forces shall be subject to Senegalese law in respect of any matter not specified in this Agreement.

*Article X.* Members of the French armed forces stationed in Senegal shall be subject to French military jurisdiction in respect of offences committed within the facilities of those forces.

French military jurisdiction shall apply in respect of offences under the general law ascribed to a member of the French armed forces and committed outside those forces' facilities only when evidence is produced that the offender was on duty. For the purpose of this annex, any member of the military who is acting in the normal discharge of his functions or is on mission by order of his superior shall be considered to be on duty.

In all other cases, the Senegalese courts shall have jurisdiction.

The term "facilities" shall apply to precincts and sites made available by the Republic of Senegal to the French Republic for use by the French armed forces stationed in Senegal.

*Article XI.* The French armed forces may, in co-operation with the Senegalese authorities, use military police outside the military precincts to the extent necessary to maintain order and discipline among the members of those forces.

*Article XII.* In the case of a disaster or serious emergency (such as a fire, tidal wave or derailment), the French armed forces shall co-operate with the Senegalese armed forces and police at the request of the Senegalese authorities.

*Article XIII.* For the purposes of preliminary investigations or trial proceedings, any person against whom charges have been brought shall appear before the competent Senegalese judicial authorities. He may receive assistance from the French military authority.

The Senegalese authorities shall inform the French authorities as promptly as possible of any arrest of a member of the French armed forces.

Members of the French armed forces who are being tried or who have been sentenced by a Senegalese court shall be held in custody in a Senegalese military facility or in the military section of a Senegalese prison. They shall be subject to military regulations.

*Article XIV.* Inquiries within the precincts of the French armed forces shall be carried out by the French authorities with the participation of the Senegalese authorities.

Persons who have committed or are accomplices to an offence, unless they are members of the French armed forces, shall be handed over to the Senegalese authorities within a period not exceeding 24 hours.

*Article XV.* The French State shall bear civil liability for all damage caused by French military personnel.

*Article XVI.* In lieu of direct and personal taxation of the members of the French armed forces in the territory of the Republic of Senegal, the Government of the French Republic shall pay annually to the Government of the Republic of Senegal a contribution the amount of which shall be established by the latter commensurately with the size of the French military establishment and in accordance with Senegalese legislation.

The basis on which to compute this amount shall be communicated each year by the Government of the French Republic to the Government of the Republic of Senegal.

*Matériel*, equipment and supplies imported for the French armed forces shall be subject to the general import regulations in effect in Senegal, particularly with regard to their mandatory declaration to the Senegalese authorities, which shall have the right of inspection.

The *matériel*, equipment and supplies specified in the annex shall enter Senegal free of customs duties. All other *matériel*, equipment and supplies, including foodstuffs, shall be subject to the payment of duties and charges as provided in Senegalese legislation and regulations.

*Article XVII.* The French military command may, for the exclusive use of the members of the French armed forces, be provided with logistic support services, including a military pay office.

It may establish and maintain shops, messes, clubs, recreational centres and social services. Such facilities shall be subject to licence requirements and the payment of sales taxes and duties in the case of imported products, as provided in Senegalese legislation and regulations. Products purchased locally shall benefit from the same exemptions from licence requirements and sales taxes or duties as comparable Senegalese establishments.

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

*Article XIX.* Dependants of members of the French armed forces shall be treated as members of those forces for the purposes of articles IX, XVI and XVII of this title.

DONE at Paris on 29 March 1974.

For the Government  
of the French Republic:  
The Secretary of State  
to the Minister  
for Foreign Affairs,  
[Signed]  
JEAN DE LIPKOWSKI

For the Government  
of the Republic of Senegal:  
The Minister  
for Foreign Affairs,  
[Signed]  
ASSANE SECK