

No. 16751

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FRANCE
and
CHAD

Convention concerning the provision of personnel by the French Republic to assist in the operation of public services in the Republic of Chad. Signed at N'Djamena on 6 March 1976

Additional Convention to the above-mentioned Convention concerning the employment of military personnel seconded to the public services of the Republic of Chad. Signed at N'Djamena on 6 March 1976

Additional Convention to the above-mentioned Convention of 6 March 1976 concerning judicial personnel made available to the Republic of Chad. Signed at N'Djamena on 6 March 1976

Additional Convention to the above-mentioned Convention of 6 March 1976 concerning personnel made available to the Republic of Chad by the French Republic in the field of education and culture. Signed at N'Djamena on 6 March 1976

Additional Protocol to the above-mentioned Convention of 6 March 1976 concerning tax rules applicable to French co-operation personnel in Chad. Signed at N'Djamena on 6 March 1976

Protocol of Application of article 15 of the above-mentioned Convention of 6 March 1976 concerning the provision of personnel by the French Republic to the Republic of Chad. Signed at N'Djamena on 6 March 1976

Authentic texts: French.

Registered by France on 15 June 1978.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF CHAD CONCERNING THE PROVISION OF PERSONNEL BY THE FRENCH REPUBLIC TO ASSIST IN THE OPERATION OF PUBLIC SERVICES IN THE REPUBLIC OF CHAD

The Government of the French Republic, on the one hand,
The Government of the Republic of Chad, on the other,
Conscious of the bonds of friendship which unite them,
Anxious to promote the full development of such bonds in a spirit of mutual understanding,

Desiring to ensure that the public services and the organs which contribute to the economic and social development of the Republic of Chad shall operate in the best possible conditions,

Have agreed as follows:

Article 1. The Government of the French Republic shall as far as possible make available to the Republic of Chad the qualified and skilled personnel which the Government of the Republic of Chad shall wish to receive for the operation of its various services and institutions.

However, other assistance may form the subject of separate conventions relating either to the operation of certain services or institutions or to the carrying out of temporary missions with specific objectives.

**TITLE I. TERMS AND CONDITIONS FOR THE PROVISION
OF ASSISTANCE BY THE FRENCH REPUBLIC**

Article 2. The Government of the Republic of Chad shall transmit to the French Government a list of the functions and posts which it wishes to entrust to French personnel. This list shall be brought up to date and considered each year at the meeting of the Franco-Chad Mixed Commission established under a separate convention. The Government of the Republic of Chad shall provide the Government of the French Republic with a list of the functions and posts to be filled one month before the meeting.

Article 3. The Government of the French Republic shall, as far as possible within one month, submit for the approval of the Government of the Republic of Chad the curriculum vitae of the candidate and an evaluation of the candidate's worth.

The Government of the Republic of Chad shall make known its acceptance or rejection of the candidates within the same period following the receipt of their documents.

¹ Came into force on 27 January 1978, date of the last of the notifications by which the Contracting Parties informed each other of the completion of the required constitutional procedures, in accordance with article 18.

In the event of rejection, the French Government shall submit new proposals, which may be accepted or rejected on the conditions set out above.

Article 4. On receipt of the notification of acceptance, the French Government shall announce the assignment of the official concerned to the Republic of Chad and shall take all the necessary measures for his transfer.

The period of assignment shall include the tour of duty and the leave following that tour of duty, in accordance with the regulations applicable to the personnel in question. In the case of personnel subject to the system of annual leave, however, it shall include two consecutive tours of duty and the leave which accompanies those tours.

The acceptance and appointment of candidates shall be announced by the competent authorities of the Republic of Chad for the duration of the period of assignment and shall take effect from the date of arrival of the official concerned in the territory of that Republic.

Notification of acceptance and appointment shall be given to the French Government through the Embassy of France in the Republic of Chad.

An appointment announced in accordance with this procedure may be changed during the tour of duty with the prior agreement of the official concerned.

Article 5. On the expiry of the time-limit established in article 4 above, the officials shall revert, without further formalities, to the jurisdiction of the French Government.

This period may, however, be extended by a maximum of six months, except in case of *force majeure* by simple exchange of letters at least one month before the expiry of the normal term.

If the Republic of Chad intends to retain an official for a further period of assignment, it shall notify him at least one month before the date of his departure through the Embassy of France in Chad.

Article 6. The Government of the Republic of Chad shall reserve the right to terminate the assignment at any time provided that it notifies the French Government and the official concerned through the Embassy of France in the Republic of Chad.

The Government of the French Republic may, on stated grounds communicated to the Government of the Republic of Chad, decide to terminate the assignment of an official on the same conditions.

Article 7. Sick leave exceeding three months, absences on account of illness exceeding three months and prolonged periods of leave outside the Republic of Chad granted to the officials concerned shall terminate their assignment.

The costs of repatriation or evacuation for reasons of health shall be borne by the French Republic.

TITLE II. RECIPROCAL OBLIGATIONS OF GOVERNMENTS AND OFFICIALS

Article 8. Officials made available to the Republic of Chad under this Convention shall carry out their duties under the authority of the Government of that country and shall be obliged to comply with its regulations and instructions.

They shall be bound by the obligation to exercise professional discretion in all matters relating to facts or information of which they have knowledge in the performance of their duties.

They shall refrain from any act likely to reflect unfavourably on the Government of the French Republic or the Government of the Republic of Chad.

The two Governments shall also undertake not to require of the officials covered by this Convention any act or manifestation not connected with their duties.

In the performance of their duties, the officials covered by this Convention shall in general receive aid and protection from the Government of the Republic of Chad.

Article 9. The officials who are made available to the Republic of Chad may not engage in any gainful activity other than that authorized in the statutes to which they are subject, in so far as these statutes are not contrary to the regulations of the Republic of Chad.

When the spouse of an official assigned to the Republic of Chad wishes to engage in any gainful activity in the territory of that State, the official must request the prior consent of the Government of the Republic of Chad and of the Government of the French Republic, which may, by a joint decision, take appropriate measures to safeguard the interests of the service.

Article 10. The Government of the Republic of Chad shall, at the regular intervals established under the regulations of the French Republic, forward to the Government of the French Republic, through the Embassy of France in the Republic of Chad, reports on the performance of the personnel made available to it under this Convention.

Article 11. The personnel made available to the Government of the Republic of Chad under this Convention shall not be liable to any administrative penalty on the part of that Government other than their return, on stated grounds, to the Government of the French Republic, accompanied, where necessary, by a report specifying the nature and circumstances of the charges which would justify the application of the disciplinary proceedings set out in the statutes to which the official concerned is subject.

Article 12. The Government of the Republic of Chad undertakes to make good any damages caused to third parties by officials assigned to it by the Government of the French Republic in the performance of or because of the performance of their duties. The Government of the French Republic undertakes to make good damage caused by its officials when such damages are the result of personal¹ misconduct.

In such cases, the Government of the French Republic shall be responsible for obtaining reimbursement, where appropriate, from such officials.

TITLE III. APPORTIONMENT OF COSTS

Article 13. The Government of the French Republic undertakes to bear the cost of the pay and related allowances to which officials assigned to the Republic of Chad are entitled under French regulations.

¹ By an exchange of letters of rectification dated 6 and 19 October 1976, the Contracting Parties agreed to modify the Convention by replacing the word "professional" by "personal".

Article 14. The Government of the French Republic shall also be responsible for the following expenses:

- The travel costs of the official assigned to the Government of the Republic of Chad, and his family, from his place of residence to the point of entry into the Republic of Chad and, at the time of his repatriation, from the point of departure from the Republic of Chad to the appropriate point fixed by the regulations in force in the French Republic;
- The contribution necessary to maintain the official's pension rights in accordance with the rates in force under the regulations of the French Republic.

Article 15. The Government of the Republic of Chad shall make a grant to the Government of the French Republic for each official assigned to it as a contribution towards the cost of the official's remuneration.

The terms and conditions of this grant will be outlined in a protocol of application.

Article 16. The Republic of Chad shall provide an official, whose services it has accepted, with housing and furniture, taking into account his family situation. Such officials shall, in particular, receive medical treatment, drugs and hospital facilities on the same grounds and on the same conditions as permanent officials in the service of the Government of the Republic of Chad.

The Government of Chad shall also be responsible, on the conditions which it shall itself establish, for any costs and allowances relating to travel and missions undertaken in accordance with the decision of the Government of the Republic of Chad.

The Republic of Chad shall be responsible for all the expenses mentioned above for as long as the official assigned to it remains in its territory and for the duration of any travel and missions outside the Republic undertaken in accordance with the decision of the Government of that Republic.

Article 17. The system of taxation applicable to officials seconded to the Government of the Republic of Chad shall be that prescribed by the ordinary law.

However, provisions agreed upon by the two Governments shall be set out in a protocol annexed to this Convention and shall determine for income tax purposes:

- The amount of gross taxable income;
- The net income to be taxed according to the relevant tax rates in force;
- The time-limits for providing the tax authorities of Chad with any information they may require.

Article 18. This Convention, which supersedes and abrogates the Convention of 19 May 1964,¹ is concluded for a period of one year and may be renewed by tacit agreement unless denounced by one of the Contracting Parties. Notification of denunciation shall be given through the diplomatic channel at least six months in advance.

The two Contracting Parties shall notify each other of the completion of the procedures required under their constitutions to give effect to this Convention, which shall enter into force on the date of the last notification.

¹ United Nations, *Treaty Series*, vol. 659, p. 6.

Either Contracting Party may at any time request the amendment of one or more of the provisions of this Convention and the start of negotiations for that purpose.

The foregoing provisions shall be applicable to the texts annexed to this Convention.

DONE at N'Djamena on 6 March 1976, in duplicate, in the French language.

For the Government of the the French Republic:

[Signed]

JACQUES CHIRAC
Prime Minister

For the Government of the Republic of Chad:

[Signed]

General FELIX MALLOUM NGAKOUTOU BEY-NDI
President of the Supreme Military Council
Head of State

[TRANSLATION — TRADUCTION]

ADDITIONAL CONVENTION¹ CONCERNING THE EMPLOYMENT
OF MILITARY PERSONNEL SECONDED TO THE PUBLIC SERV-
ICES OF THE REPUBLIC OF CHAD

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

Article 1. The purpose of this Additional Convention is to lay down, in pursuance of the General Convention concerning the provision of personnel by the French Republic to assist in the operation of public services in the Republic of Chad, the special measures applicable to military personnel.

The provisions of the General Convention shall be applicable to such personnel in so far as they are not waived by this Additional Convention.

Article 2. The military personnel made available to the Republic of Chad, for employment in its public services shall, in accordance with French regulations, be seconded for the period of the tour of duty plus embarkation leave, annual leave and outward and return travel time.

The secondment may be renewed in so far as the possibilities of relief allow.

Article 3. Seconded military personnel serving under the authority of the Government of the Republic of Chad shall retain the rights and continue to be subject to the obligations prescribed in their statutes, as defined by the legislation and regulations in force in the French Republic, with regard to such matters as promotion, reports, discipline, the wearing of uniform, the right to treatment and hospital care by the army medical services, deductions for retirement benefits and pension rights.

For the purpose of applying the statutes such personnel shall come under the Embassy of France in the Republic of Chad.

Article 4. The procedures for the assignment of such personnel shall be those laid down in the General Convention.

Article 5. Seconded military personnel made available to the Government of the Republic of Chad shall remain subject to the administrative inspections prescribed in the regulations governing the corps to which they belong with regard to the obligations deriving from those regulations.

Such personnel shall, in the performance of their duties, be subject to any inspection which the Government of Chad shall deem fit to carry out.

Article 6. The two Governments undertake to respect the rights and duties laid down by the competent professional association of medical doctors as set forth in the regulations of the association.

¹ Came into force on 27 January 1978, the date of entry into force of the Convention of 6 March 1976.

DONE at N'Djamena on 6 March 1976, in duplicate, in the French language.

For the Government of the French Republic:

[Signed]

JACQUES CHIRAC
Prime Minister

For the Government of the Republic of Chad:

[Signed]

General FELIX MALLOUM NGAKOUTOU BEY-NDI
President of the Supreme Military Council,
Head of State

[TRANSLATION — TRADUCTION]

ADDITIONAL CONVENTION¹ CONCERNING JUDICIAL PERSONNEL MADE AVAILABLE TO THE REPUBLIC OF CHAD

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

Article 1. The purpose of this Additional Convention is to lay down, in accordance with the Convention concerning the provision of personnel by the French Republic to assist in the operation of public services in the Republic of Chad, the special conditions for co-operation between the French Republic and the Republic of Chad with regard to judicial personnel.

The provisions of the General Convention shall be applicable in so far as they are not waived by this Additional Convention.

Article 2. The French Republic undertakes to carry out the professional training of candidates for judicial posts, who are nationals of the Republic of Chad.

With a view to enabling the Republic of Chad to ensure the operation of its judicial institutions and the administration of justice, the French Republic undertakes, as far as possible, to make available to the Republic of Chad the judicial personnel which it requires.

Article 3. The judicial personnel made available to the Government of the Republic of Chad may not receive any new assignment without their consent. When the exigencies of the service so require, however, they may be transferred for a period of up to four months after consultation between the two Governments.

Except when acting vicariously, in no case may a judicial officer serving under technical assistance arrangements be entrusted with functions which give him authority over judicial personnel belonging to a grade higher than his own in his original branch of service.

Article 4. When, following promotion to a higher grade or appointment to a post in a new group in his own service, a judicial officer requests that his assignment should be terminated, his request shall automatically be granted unless the Government of the Republic of Chad can appoint him to a post corresponding to the new grade or new group. In that event, the Government of the French Republic shall make all the necessary arrangements to ensure the replacement of the judicial officer before his departure. It shall also bear the costs of repatriating the officer concerned.

Article 5. The judicial personnel made available to the Republic of Chad shall enjoy the independence, guarantees, privileges, honours and prerogatives to which the members of the judiciary of the Republic of Chad are entitled.

The Republic of Chad shall protect such judicial personnel against any threats, offensive behaviour, insults, defamation and attacks of any kind to which they might

¹ Came into force on 27 January 1978, the date of entry into force of the Convention of 6 March 1976.

be subject in the performance of their duties and shall, where necessary, make good the damage suffered as a result.

They may not be challenged regarding decisions in which they participate in the performance of their duties. The same applies, without prejudice to the propriety they must observe towards the host Government, to the utterances they make in court and the acts relating to their duties.

They shall assume their duties only after taking an oath in the manner prescribed for members of the judiciary of the Republic of Chad.

Article 6. No correctional or criminal proceedings may be instituted against a judicial officer except with the approval of a commission composed of two judges appointed by the Government of the Republic of Chad and two French judges appointed by the Government of the French Republic. The commission shall meet when convened by the Minister of Justice of the Republic of Chad.

The commission shall elect a chairman, who shall have a casting vote. If the votes are equally divided, the commission shall be deemed to have given an opinion against proceedings. The opinion of the commission shall be transmitted to the competent State Counsel's office.

When proceedings are instituted, the Government of the French Republic shall be kept informed and the judicial officer against whom the proceedings are being taken shall enjoy the privileges of jurisdiction laid down in the legislation applicable to Chad at the time of the entry into force of this Additional Convention.

DONE at N'Djamena on 6 March 1976, in duplicate, in the French language.

For the Government of the French Republic:

[Signed]

JACQUES CHIRAC
Prime Minister

For the Government of the Republic of Chad:

[Signed]

General FELIX MALLOUM NGAKOUTOU BEY-NDI
President of the Supreme Military Council,
Head of State

[TRANSLATION — TRADUCTION]

ADDITIONAL CONVENTION¹ CONCERNING PERSONNEL MADE AVAILABLE TO THE REPUBLIC OF CHAD BY THE FRENCH REPUBLIC IN THE FIELD OF EDUCATION AND CULTURE

The Government of the French Republic on the one hand,
The Government of the Republic of Chad, on the other,

In view of the General Convention concerning the provision of personnel by the French Republic to assist in the operation of public services in the Republic of Chad,

Taking into account the need to adapt the procedures for the application of that Convention to teaching personnel in accordance with the nature of their activities and the statutory conditions of their employment,

Have agreed to organize the aid provided by the French Republic to the Republic of Chad in the matter of teaching personnel in accordance with the clauses of the following Additional Convention:

Article 1. The Government of the French Republic shall, as far as possible, make available to the Republic of Chad the qualified personnel whom the Government of the Republic of Chad considers necessary for the functioning of its public educational establishments in accordance with the programmes it has decided upon.

Article 2. In the case of teaching personnel, the list of requirements provided for in article 2 of the General Convention shall be drawn up annually at the appropriate time by agreement between the two Governments.

Article 3. In view of the large number of educational personnel needed and the requirements of the school calendar, the submission of the lists of candidates referred to in article 3 of the General Convention must be answered within fifteen days after receipt.

Article 4. The personnel made available to the Republic of Chad by the French Republic in the field of general and technical education may request that an inspection be carried out. Such an inspection, which shall be carried out jointly by Chadian and French inspectors, shall be conducted in institutions designated by the Government of the Republic of Chad after the latter has agreed to the schedule of inspections submitted to it at the beginning of each school year by the Government of the French Republic.

Article 5. The appointment of a member of the teaching profession shall be announced by the competent authorities of the Republic of Chad and shall take effect from a date which shall be fixed so as to avoid any interruption in the employment of the person concerned. The appointment shall be for an initial period of two school years.

This period may be extended from one school year to another, except when the person concerned requests otherwise or when one of the Contracting Parties decides

¹ Came into force on 27 January 1978 the date of entry into force of the Convention of 6 March 1976.

otherwise at least three months before the date fixed for the first stage in the transfer of teaching personnel to France.

Article 6. Teaching personnel shall be subject to the system of school holidays currently in force in the Republic of Chad. These holidays may, however, be shortened as required by the exigencies of the service with the agreement of the French Government.

Article 7. Teaching personnel made available to the Republic of Chad under this Convention shall, in accordance with the legislation relating to the position of seconded officials, have the same terms of employment and the same professional guarantees and freedoms accorded to members of the teaching profession.

DONE at N'Djamena on 6 March 1976, in duplicate, in the French language.

For the Government of the French Republic:

[Signed]

JACQUES CHIRAC
Prime Minister

For the Government of the Republic of Chad:

[Signed]

General FELIX MALLOUM NGAKOUTOU BEY-NDI
President of the Supreme Military Council,
Head of State

[TRANSLATION — TRADUCTION]

ADDITIONAL PROTOCOL¹ CONCERNING TAX RULES
APPLICABLE TO FRENCH CO-OPERATION PERSONNEL IN
CHAD

Article 1. The taxable gross amount earned by each official during the calendar year shall be reported to the Government of Chad by the French Government before 31 January of the following year. The personnel concerned shall have one month from that date to submit their declaration of income to the Chad tax authorities.

Article 2. After the exclusion of any supplement, increase or grant based on family considerations and mandatory withholdings or payments required of the individual concerned in respect of retirement or social security benefits, the taxable gross amount shall consist of:

- (a) The gross base remuneration specified in the contract paid to the individual concerned for the period of his actual stay in Chad, indexed and adjusted;
- (b) Salary in respect of holidays plus the resident's allowance.

Article 3. Housing provided free of charge by the Government of Chad shall not be considered a taxable benefit in kind.

Article 4. The net income subject to tax in accordance with the general schedule of income tax set out in article 102 of the General Tax Code of the Republic of Chad shall be equal to 30 per cent of the taxable gross amount as determined in the manner specified in article 2 above.

Article 5. For personnel whose remuneration is not determined by contract, the taxable gross amount shall consist of the total remuneration received, less all family benefits. The net income subject to tax shall be equal to 30 per cent of that gross amount.

Article 6. These provisions shall be applied for the first time to income for the year in which the Convention concerning the provision of personnel by the French Republic to assist in the operation of public services in the Republic of Chad enters into force.

¹ Came into force on 27 January 1978, the date of entry into force of the Convention of 6 March 1976.

DONE at N'Djamena on 6 March 1976, in duplicate, in the French language.

For the Government of the French Republic:

[Signed]

JACQUES CHIRAC
Prime Minister

For the Government of the Republic of Chad:

[Signed]

General FELIX MALLOUM NGAKOUTOU BEY-NDI
President of the Supreme Military Council,
Head of State

[TRANSLATION — TRADUCTION]

PROTOCOL OF APPLICATION¹ OF ARTICLE 15 OF THE CONVENTION CONCERNING THE PROVISION OF PERSONNEL BY THE FRENCH REPUBLIC TO THE REPUBLIC OF CHAD

The Government of the French Republic and the Government of the Republic of Chad have agreed on the following provisions:

Sole article. As its contribution towards the remuneration payable to personnel seconded to it by the French Republic, the Republic of Chad undertakes to pay for each official during the entire period of the secondment, including the rest period required under the regulations following a completed tour of duty, a monthly lump sum of 3 000 CFAF.

DONE at N'Djamena on 6 March 1976, in duplicate, in the French language.

For the Government of the French Republic:

[Signed]

JACQUES CHIRAC
Prime Minister

For the Government of the Republic of Chad:

[Signed]

General FELIX MALLOUM NGAKOUTOU BEY-NDI
President of the Supreme Military Council,
Head of State

¹ Came into force on 27 January 1978, the date of entry into force of the Convention of 6 March 1976.