

**No. 19559**

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**FRANCE  
and  
ZAIRE**

**General Agreement on technical military co-operation.  
Signed at Kinshasa on 22 May 1974**

*Authentic text: French.*

*Registered by France on 20 February 1981.*

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**FRANCE  
et  
ZAÏRE**

**Accord général de coopération militaire technique. Signé à  
Kinshasa le 22 mai 1974**

*Texte authentique : français.*

*Enregistré par la France le 20 février 1981.*

[TRANSLATION — TRADUCTION]

## GENERAL AGREEMENT<sup>1</sup> BETWEEN THE FRENCH REPUBLIC AND THE REPUBLIC OF ZAIRE ON TECHNICAL MILITARY CO-OPERATION

The Government of the French Republic and the National Executive Council of the Republic of Zaire, desiring to develop technical military co-operation between the armed forces of the French Republic and those of the Republic of Zaire, have agreed on the following provisions:

### TITLE I. GENERAL PROVISIONS

*Article 1.* The French Government shall provide Zaire, at the request of the National Executive Council of that State, with technical military assistance consisting of:

- The stationing in Zaire of technical assistance personnel;
- The training in France of Zairian military personnel;
- The dispatch, if necessary, of study missions to Zaire.

In addition, such assistance may, under this General Agreement, be the subject of special agreements, for example, with respect to military aviation.

*Article 2.* The technical military assistance shall be effected in Zaire by a military co-operation mission.

The head of the aforesaid mission, appointed by the French Government by agreement with the National Executive Council of Zaire, shall have authority over all the technical assistance personnel. He shall be responsible to the French Government through the Ambassador of France in Zaire.

He shall be the designated channel for communication between the French Government and the National Executive Council of Zaire, particularly in the field of aviation technology. He shall enjoy diplomatic status.

*Article 3.* The head of the military co-operation mission shall be responsible for the local implementation of the policy of co-operation drawn up by the French Government by agreement with the National Executive Council of Zaire.

He shall determine, by agreement with the Zairian military authorities, the general conditions of service of the technical assistance personnel.

He shall monitor the activities of the aforesaid personnel by means, *inter alia*, of inspections of the French military command.

He shall receive, examine and transmit the requests for technical assistance which are submitted by the National Executive Council of the Republic of Zaire.

In the event that the head is absent or indisposed, he shall be replaced temporarily by the senior highest-ranking technical assistance officer.

<sup>1</sup> Came into force on 22 May 1974 by signature, in accordance with article 19.

*Article 4.* The National Executive Council of Zaire shall make the necessary arrangements for the implementation of military co-operation between the two States.

It shall at all times ensure that the French assistance personnel receive the help and protection which is normally accorded by States to the members of their armed forces and shall inform the head of the military co-operation mission of any incident in which the French personnel or their families are implicated.

It shall permit the duty-free entry of *matériel*, equipment and supplies imported on behalf of the military co-operation mission.

#### TITLE II. TECHNICAL ASSISTANCE PERSONNEL

*Article 5.* The technical assistance personnel shall be stationed in Zaire, at the request of the National Executive Council of Zaire, in order to participate as instructors in the training of Zairian military personnel and to contribute as experts to the organization of the Zairian armed forces.

In no circumstances shall they intervene in the command of Zairian personnel or take part in the preparation or execution of operations of war or in the maintenance or restoration of law and order.

Subject to the prior agreement of the National Executive Council of Zaire, the French authorities may, without interfering in the operation of the Zairian services concerned, carry out a technical inspection of the assistance personnel.

*Article 6.* The assistance personnel shall be appointed by the French Government for a fixed period in accordance with French regulations governing service abroad; the period may be extended or interrupted by mutual agreement.

They shall be organized in technical military assistance detachments in accordance with the missions entrusted to them.

The date of establishment, initial strength, duty stations, mission and general conditions of placement and service, including means of transport and communications, shall, in the case of each detachment, be the subject of an arrangement between the two Parties.

*Article 7.* Each technical military assistance detachment shall be placed under the command of the senior highest-ranking French officer assigned to the detachment. This officer shall perform the functions of corps commander with respect to his personnel.

In accordance with the general instructions received from the head of the military co-operation mission and by agreement with the Zairian military authority to which he is assigned, he shall define the mission of his detachment and draw up the detailed conditions of service of his personnel, whose strength may be modified annually by mutual agreement.

He shall assume responsibility for the operation of his detachment and shall account for its activities to the head of the military co-operation mission.

*Article 8.* The assistance personnel shall retain their status under French regulations.

There shall be no relationship of subordination between the French and Zairian personnel, whose intercourse shall be governed by the traditional rules of courtesy.

Disciplinary powers with respect to the personnel assigned to the military co-operation mission shall be exercised by the French authority. The Zairian authorities shall inform detachment heads of actions which they consider to be reprehensible.

The National Executive Council of Zaire and the French Government may both take the initiative to terminate the assignment of a member of the military co-operation mission during his tour of duty. Such an initiative must be based on serious grounds which each Party shall make known to the other.

*Article 9.* The National Executive Council of Zaire shall be liable for compensation for damage caused by French personnel in the performance of their duties or in connection with their duties. In the event of judicial proceedings instituted in connection with such damage, the Zairian State shall take the place in court of the French personnel implicated in the proceedings.

In the case of damage resulting from an intentional and serious fault of the individual, the National Executive Council of Zaire may seek reimbursement from the French Government in respect of the compensation which it has been obliged to pay.

*Article 10.* The French technical assistance personnel shall enjoy immunity from jurisdiction in respect of acts performed by them in the exercise of their functions.

Any offences committed by them shall come under the jurisdiction of the Zairian judicial authorities, with the exception of offences committed by such personnel while on duty or in connection with their duties. In the latter cases, the persons committing such offences shall be handed over within 24 hours to the Embassy of France in Zaire, which shall repatriate them to France, where all necessary proceedings will be instituted against them.

French personnel who are brought before the Zairian courts and whom it is deemed necessary to detain shall be placed under house arrest by and under the responsibility of the Embassy of France, which shall ensure that they appear in court at the request of the competent Zairian judicial authorities.

French personnel who are sentenced to a term of imprisonment by a Zairian court shall be handed over, following consultation between the two Parties, to the Embassy of France for repatriation and shall serve their sentences in French penal institutions.

The French Government shall inform the National Executive Council of Zaire of the place where and the conditions under which the sentences are carried out.

The provisions of the two preceding paragraphs shall also be applicable to family members residing with such personnel.

*Article 11.* Personnel shall wear French uniform or civilian clothes, in accordance with the instructions of the detachment heads.

*Article 12.* All sums to which assistance personnel are entitled—pay and accessory remuneration, miscellaneous allowances—and the cost of round-trip transportation between France and Kinshasa shall be the subject of provisions set forth in the individual arrangements referred to in title II, article 6, of this Agreement.

The cost of transportation and allowances for round-trip travel between Kinshasa and the duty station and costs resulting from a decision of the Zairian authorities shall be borne by the National Executive Council of Zaire.

*Article 13.* The cost of accommodation and furnishings for assistance personnel shall be borne by the National Executive Council of Zaire, in accordance with conditions to be set forth in the individual arrangements.

*Article 14.* The French technical assistance personnel shall be exempt from any Zairian tax and fiscal charges on their pay and allowances. They shall be authorized to make foreign exchange transfers in accordance with the relevant Zairian regulations.

They shall be provided with a service passport and shall be granted a special visa by the Zairian authorities.

They may import their personal effects and a vehicle free of duty and re-export them under the same conditions upon their departure. They may also import free of duty supplies needed for everyday use.

They shall have access to the clubs, messes, restaurants and co-operatives of the Zairian armed forces and may be admitted to hospitals under the same conditions as personnel of equivalent rank in the Zairian armed forces.

### TITLE III. TRAINING IN FRANCE OF ZAIRIAN MILITARY PERSONNEL

*Article 15.* The French Government shall give the most favourable consideration to, and as far as possible satisfy, the requests of the National Executive Council of Zaire for the dispatch of military trainees to French military schools, units and establishments.

Such trainees shall be subject to the regulations in force in the French Army relating to foreign trainees.

The provisions of article 10 of this Agreement shall also be applicable to trainees of the Zairian armed forces in France and to members of their families.

*Article 16.* In all cases the costs of pay and living expenses (accommodation, board, medical care) shall be borne by the National Executive Council of Zaire.

Depending on the type of training, the cost of round-trip transportation between Kinshasa and France and the cost of training shall be borne, following agreement between the Parties, either by the French Government or by the National Executive Council of Zaire.

### TITLE IV. STUDY MISSIONS

*Article 17.* At the request of the National Executive Council of Zaire, the French Government may dispatch members of the French armed forces to Zaire for the purpose of study missions, whose duration and terms of reference shall be determined by mutual agreement.

*Article 18.* Defrayal of the expenses relating to such missions shall be determined for each mission by agreement between the Parties.

*Article 19.* The provisions set forth in articles 8, 9 and 10 of title II of this Agreement shall be applicable to members of study missions during their tour of duty in Zaire.

This Agreement shall enter into force on the date of its signature; it is concluded for a two-year period, to be extended automatically each year. It may be denounced at any time by either of the two Parties upon three months' notice.

DONE at Kinshasa on 22 May 1974, in duplicate, in the French language.

For the Government of the French Republic:

*[Signed]*

ANDRÉ ROSS  
Ambassador of France

For the National Executive Council of the Republic of Zaire:

*[Signed]*

UMBA DI LUTETE  
Political Commissioner and Commissioner of State  
for Foreign Affairs and International Co-operation

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