

No. 21842

**FRANCE
and
COMOROS**

Convention relating to the conditions for French technical military assistance in the training, organization and equipment of the Comorian forces and the training of Comorian soldiers at military schools and instruction centres in France. Signed at Moroni on 4 August 1979

Authentic text: French.

Registered by France on 12 April 1983.

**FRANCE
et
COMORES**

Convention relative aux conditions du concours militaire technique français pour la formation, l'organisation et l'équipement des forces comoriennes ainsi que pour la formation des stagiaires militaires comoriens dans les écoles et centres d'instruction militaires en France. Signée à Moroni le 4 août 1979

Texte authentique : français.

Enregistrée par la France le 12 avril 1983.

[TRANSLATION — TRADUCTION]

CONVENTION¹ RELATING TO THE CONDITIONS FOR FRENCH TECHNICAL MILITARY ASSISTANCE IN THE TRAINING, ORGANIZATION AND EQUIPMENT OF THE COMORIAN FORCES AND THE TRAINING OF COMORIAN SOLDIERS AT MILITARY SCHOOLS AND INSTRUCTION CENTRES IN FRANCE

The Government of the French Republic on the one hand, and
The Government of the Islamic Federal Republic of the Comoros on the other,
Acting within the framework of the general provisions stipulated in article 2 of the
Agreement of cooperation in defence matters concluded between the two countries,²
Have agreed as follows:

Article 1. At the request of the Government of the Islamic Federal Republic of the Comoros, the Government of the French Republic undertakes to assist it, to the best of its ability, by providing French military personnel to organize and train the Comorian armed forces.

Article 2. The Government of the Islamic Federal Republic of the Comoros shall draw up each year and communicate to the Government of the French Republic the list of posts to be filled, the job descriptions, qualifications required and duty stations of the staff to be assigned.

The Government of the French Republic shall inform the Government of the Islamic Federal Republic of the Comoros what posts it is able to fill.

Article 3. The French personnel shall be designated by the French Government after approval by the Comorian Government for a fixed period in accordance with French regulations on residence abroad. This period may be extended or reduced by agreement between the Governments.

Any change in assignment or place of residence during the tour of duty shall be decided by agreement between the competent authorities of the French Republic and the Islamic Federal Republic of the Comoros.

The Government of the Islamic Federal Republic of the Comoros and the Government of the French Republic may each, after consultation, take the initiative of compulsorily relieving a technical assistant of his duties during his tour of duty.

Article 4. French military personnel shall serve at the rank in the hierarchy of the armed forces of the Comoros corresponding to their customary rank in the French armed forces. They shall wear Comorian uniform or civilian clothes, in accordance with instructions issued by agreement between the French authorities and the Comorian authorities. They may also wear French uniform in accordance with a special decision taken by agreement between the two Governments; this measure shall apply automatically if the provisions stipulated in article 1 of the Agreement of co-operation in defence matters take effect.

¹ Came into force on 2 February 1983, the date of the last of the notifications (effected on 24 July 1981 and 2 February 1983) by which the Contracting Parties informed each other of the completion of the required constitutional procedures, in accordance with article 17.

² United Nations, *Treaty Series*, vol. 1306, No. I-21779.

They shall be obliged to abide by the regulations and directives in force in the Comorian armed forces, subject to the provisions of the first paragraph of article 5 below.

They may not participate in the conduct of any operation aimed at maintaining or restoring public order.

The performance of missions without normal safety conditions shall require the express authorization of the French Government.

Article 5. French military personnel shall retain the status which they enjoy under French regulations.

They shall accordingly be assigned to a unit called the "Bureau of Military Cooperation", responsible to the French Embassy and under the authority of the highest ranking senior French officer seconded to the Islamic Federal Republic of the Comoros.

Any observations on the performance of the aforesaid personnel made by the Comorian authorities shall be transmitted to the French Government. In the case of breaches of discipline or acts committed while on duty, they shall not be subject to any disciplinary action by the Comorian Government other than reassignment to the French Government, with an explanation and, where necessary, a request for disciplinary action. The French Government shall inform the Comorian authorities of the action taken on that request. The provisions of this paragraph shall not preclude the institution by the French authorities of the disciplinary proceedings applicable to the status of the persons concerned.

Comorian command decisions concerning them shall be brought to the attention of the French Embassy to the Islamic Federal Republic of the Comoros; similarly, arrangements concerning them made by the French authorities and which concern the Comorian authorities shall be brought to their attention.

The French authorities may undertake missions to study problems involving the personal situation of French military personnel in relation to their status. The conditions under which these missions are conducted shall be fixed by agreement between the two Governments.

Article 6. In the course of their work, French military personnel seconded to the Government of the Islamic Federal Republic of the Comoros shall receive the same assistance and protection from that Government as it gives to the personnel of its own armed forces.

They shall enjoy the same rights and guarantees as international experts for their official actions and spoken or written words, in the performance or in connection with the performance of their duties.

Article 7. The Government of the Islamic Federal Republic of the Comoros shall be responsible for compensation for damage done by French military personnel in the performance of their duties. In any case where legal proceedings are instituted in connection with such damage, the Government of the Islamic Federal Republic of the Comoros shall represent in the proceedings the French military personnel implicated.

In any case where damage results from a personal act, the Government of the Islamic Federal Republic of the Comoros may seek compensation from the Government of the French Republic.

In the case of damage occurring while French military personnel are on duty, or in connection with their duties, except in the case of personal acts, the Government of the Islamic Federal Republic of the Comoros shall pay fair compensation. Requests for compensation shall be transmitted to the Government of the Islamic Federal Republic of the Comoros through the Government of the French Republic.

Article 8. The Comorian courts shall have jurisdiction over offences committed by French military personnel seconded to the Government of the Islamic Federal Republic of the Comoros.

However, in the case of offences against Comorian laws committed by French military personnel on duty or in connection with their duties, the offenders shall immediately be handed over to the French Embassy in the Islamic Federal Republic of the Comoros, which shall repatriate them to France where all necessary proceedings shall be instituted against them.

In the case of offences against Comorian laws punishable by a prison sentence or a more severe sentence committed by French military personnel while they are not on duty or by members of their families, offenders brought before a Comorian court whose detention is considered necessary shall be placed under arrest or confined under French authority at a place fixed by agreement between the Comorian and French authorities so that they can appear before the competent judicial authorities.

French military personnel or members of their families sentenced to prison terms by the Comorian courts shall be handed over to the French Embassy for repatriation and shall serve their sentences in French prison facilities. The Government of the French Republic shall inform the Government of the Islamic Federal Republic of the Comoros of the place and conditions in which sentences are being carried out.

Commutations, reduction of sentences and pardons, conditional releases and other forms of executing sentences shall be decided according to French legislation, on the recommendation of the public prosecutor's office attached to the Comorian court which handed down the sentence.

The decisions shall be notified by the French Government to the public prosecutor's office attached to the Comorian court which handed down the sentence.

Article 9. The Government of the French Republic shall assume responsibility for the entitlements acquired by French military personnel: pay and fringe benefits, miscellaneous allowances, round-trip transportation between France and point of entry in the Comoros. The Government of the Islamic Federal Republic of the Comoros may share these costs under a special agreement between the two Governments.

Relocation expenses provided for by French regulations and incurred in connection with military service missions shall be the responsibility of the Comorian Government.

Article 10. The Government of the Islamic Federal Republic of the Comoros shall provide furnished accommodation, complete with appliances, to French military personnel and their families at no charge. Such accommodation must be geared to the salary level of the personnel.

The Government of the Islamic Federal Republic of the Comoros shall be responsible for any medical and hospital expenses incurred by such personnel and their families in the Comoros.

Article 11. The tax and customs provisions applicable to the personnel referred to in this Convention shall be those stipulated in the Protocols concerning the customs and tax régime for technical assistance personnel signed on 10 November 1978.¹

Article 12. The Government of the Islamic Federal Republic of the Comoros may, for the training of the officers and non-commissioned officers in its armed forces, apply to the French Republic, which shall provide such assistance.

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

¹ See "Convention concerning the provision of personnel by the French Republic to assist in the operation of civil services in the Islamic Federal Republic of the Comoros" in United Nations, *Treaty Series*, vol. 1306, No. I-21777.

Comorian nationals designated by their Government, in agreement with the French Government, may be admitted as trainees to French schools and establishments.

Article 13. The Government of the French Republic shall be responsible for transportation and instruction costs for the students and trainees at French *grandes écoles* and military establishments.

The Government of the French Republic shall provide medical and hospital treatment to Comorian trainees and their families in France, on the same basis and under the same conditions as to members of the French armed forces.

The Comoros may contribute to the expenses for which the French Government is responsible, under a special agreement between the two Governments.

The Government of the Islamic Federal Republic of the Comoros shall be responsible for the pay and subsistence (housing, food, social security) of its trainees.

Article 14. Provisions similar to those stipulated in articles 7 and 8 and in the Protocol concerning the customs régime for French technical military assistance personnel serving in the Comoros shall be applied to the trainees of the Islamic Federal Republic of the Comoros in France.

Article 15. The Government of the Islamic Federal Republic of the Comoros may apply to the Government of the French Republic for the maintenance and provision of military material and equipment with or without charge.

Article 16. The Comorian armed forces may request the assistance of the French armed forces, under a special protocol, for their logistical support.

Article 17. This Convention shall be subject to the same procedure for entry into force, amendment and termination as the Agreement of co-operation in defense matters signed between the two countries on 10 November 1978.¹

Moroni, 4 August 1979.

[Signed]

CLAUDE COPIN
Ambassador of France

[Signed]

ALI MROUDJAE
Minister for Foreign Affairs
and Co-operation

¹ See note 2 on page 178.