

No. 21832

FRANCE
and
CONGO

Agreement on technical co-operation in the field of officer training and equipment of the National People's Army (with annex and exchange of letters). Signed at Brazzaville on 1 January 1974

Authentic text: French.

Registered by France on 12 April 1983.

FRANCE
et
CONGO

Accord de coopération technique en matière de formation de cadres et d'équipement de l'armée populaire nationale (avec annexe et échange de lettres). Signé à Brazzaville le 1^{er} janvier 1974

Texte authentique : français.

Enregistré par la France le 12 avril 1983.

[TRANSLATION—TRADUCTION]

AGREEMENT¹ BETWEEN THE FRENCH REPUBLIC AND THE PEOPLE'S
REPUBLIC OF THE CONGO ON TECHNICAL CO-OPERATION IN THE
FIELD OF OFFICER TRAINING AND EQUIPMENT OF THE NATIONAL
PEOPLE'S ARMY

The Government of the French Republic, on the one hand, and
The Government of the People's Republic of the Congo, on the other,
Mindful of the ties of friendship between their peoples,
Have agreed as follows:

Article I. The French Republic undertakes to provide, at the request of the People's Republic of the Congo and in so far as it is able, basic and advanced training for officers of the National People's Army.

Congolese nationals shall be admitted to French *grandes écoles* and military establishments either by competitive examination on the same terms as French nationals or under a special quota established by mutual agreement.

The French Republic shall cover the travel and education costs of students and trainees admitted to the aforementioned *grandes écoles* and military establishments.

The People's Republic of the Congo shall pay the remuneration and subsistence, housing, food, medical and social security expenses of its trainees.

Article II. The French Republic may second to the People's Republic of the Congo French commissioned and non-commissioned technical assistance officers whose assistance is necessary for the operation of certain technical services of the National People's Army.

The status of such personnel and the procedures for assigning them are established in the annex to this Agreement.

Article III. The People's Republic of the Congo may request the French Republic to supply military material and equipment and the corresponding spare parts. The French Republic shall, under terms to be established, provide assistance with logistical support for the National People's Army.

Article IV. This Agreement, which supersedes and annuls the Agreement of 15 August 1960,² is concluded for a period of two years and may be renewed by tacit agreement, unless it is terminated by one of the Contracting Parties. Notice of termination must be given through the diplomatic channel at least three months in advance.

This Agreement shall enter into force on the first day of the second month following the exchange of the instruments of approval, which shall take place at Paris as soon as possible.

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

¹ Came into force on 1 November 1981, i.e., the first day of the second month following the exchange of the instruments of approval, which took place at Paris on 30 September 1981, in accordance with article IV.

² United Nations, *Treaty Series*, vol. 821, p. 225.

DONE at Brazzaville on 1 January 1974, in two original copies in the French language.

For the Government
of the French Republic:

[Signed]

JEAN-FRANÇOIS DENIAU
Secretary of State to the
Minister for Foreign Affairs

For the Government
of the People's Republic
of the Congo:

[Signed]

DAVID CHARLES GANAO
Minister for Foreign Affairs

ANNEX CONCERNING FRENCH MILITARY PERSONNEL SECONDED TO THE PEOPLE'S
REPUBLIC OF THE CONGO FOR THE PURPOSES OF TECHNICAL MILITARY CO-
OPERATION

Article 1. Each year, the Government of the People's Republic of the Congo shall draw up and transmit to the Government of the French Republic a list of the posts to be filled, job descriptions and the qualifications required and the places of assignment of the personnel to be seconded.

The Government of the French Republic shall indicate to the Government of the People's Republic of the Congo which posts it is in a position to fill.

Article 2. French military personnel shall be appointed by the French Government, following acceptance by the Government of the People's Republic of the Congo, for a fixed period of time, in accordance with French regulations governing service abroad.

Any change in the place of assignment or residence during the period of service shall be decided upon following consultations between the competent authorities of the People's Republic of the Congo and French representatives in the Congo.

Article 3. French military personnel shall be made available for employment to the Government of the People's Republic of the Congo. They shall be obliged to comply with the regulations and instructions in force in the National Peoples' Army.

They may not participate in the preparation or execution of military operations, or in the maintenance or restoration of law and order.

Article 4. French military personnel shall retain their status under French regulations and shall, in that capacity, be placed under the authority of the military adviser to the Embassy of France in the Congo.

Performance evaluations of the French military personnel by the Congolese authorities and any requests for punishment shall be addressed to the military adviser. The latter shall be required to inform the Congolese authorities of the action taken on such requests.

The Congolese and French Governments may each take the initiative of relieving a technical military assistant of his functions during his period of service.

Missions may be undertaken by the French authorities to review problems relating to the status of French military personnel. The Government of the People's Republic of the Congo shall, as far as possible, facilitate the conduct of such missions. The French Government shall bear the costs of such missions.

Article 5. The Government of the People's Republic of the Congo shall extend to French military personnel the assistance and protection accorded to the personnel of its own armed forces.

It shall be liable for compensation for damage caused by French personnel in the performance of or in connection with their duties.

If such damage is the result of personal misconduct, the Government of the People's Republic of the Congo may seek compensation from the Government of the French Republic.

The Government of the People's Republic of the Congo shall pay fair compensation for damages sustained by French military personnel in the performance of or in connection with their duties, except in cases of personal misconduct. Requests for compensation shall be transmitted to the Government of the People's Republic of the Congo at the suit of the Government of the French Republic.

Article 6. French personnel shall enjoy judicial immunity in respect of actions taken by them in their official capacity, including their spoken and written words.

Any offences which they commit shall fall within the competence of the Congolese judicial authorities, with the exception of those committed in the performance of or in connection with their duties. In the latter cases, the authors of such offences shall be handed over within 24 hours to the Embassy of France in the Congo which shall repatriate them to France where all appropriate legal action shall be taken against them.

French personnel brought before the Congolese courts whose detention is deemed necessary shall be placed under house arrest in the care and under the responsibility of the Embassy of France which shall have them appear in court at the request of the competent Congolese judicial authorities.

French personnel sentenced to imprisonment by the Congolese courts shall be handed over to the Embassy of France for repatriation and shall serve their sentences in French penal institutions. The French Government shall inform the Government of the People's Republic of the Congo of the places and conditions in which they are serving their sentences.

The provisions of the two preceding paragraphs shall apply to family members of the technical assistant residing with him.

All provisions of this article shall apply to members of the National People's Army receiving training in French schools and military establishments.

Article 7. French military personnel and their dependents may import duty-free their furniture and personal effects and a vehicle, and re-export them under the same conditions on their departure.

Article 8. The Government of the French Republic shall be responsible for paying all sums to which French military personnel are entitled—pay and other remuneration and miscellaneous allowances—and the cost of transportation from France to Brazzaville and back.

The Government of the People's Republic of the Congo shall bear the housing costs of French personnel and their families.

Article 9. French personnel and their dependants shall be exempt from any Congolese taxes and charges on their pay and allowances.

For the Government
of the French Republic:

[Signed]

JEAN-FRANÇOIS DENIAU
Secretary of State to the
Minister for Foreign Affairs

For the Government
of the People's Republic
of the Congo:

[Signed]

DAVID CHARLES GANAO
Minister for Foreign Affairs

EXCHANGE OF LETTERS

I

Brazzaville, 1 January 1974

Sir,

You have asked me what dispensations might be granted to Congolese nationals in respect of their admission to French *grandes écoles* and military establishments.

I have the honour to inform you that article 3 of Decree No. 62-520 of 14 April 1962 on admission to French military schools for nationals of States which have concluded technical military co-operation agreements with France stipulates that:

“The upper age limit for applicants for competitive examinations and training courses . . . shall be extended by five years at most if the age limit for applications is over 18 years of age and by two years if the limit is 18 years of age or under.”

This measure was extended to competitive examinations to be held up to 1975 inclusive by virtue of Decree No. 72-850 of 28 September 1972.

I should be grateful if you would let me know whether the above provisions meet with your agreement.

Accept, Sir, etc.

[Signed]

JEAN-FRANÇOIS DENIAU
Secretary of State to the Minister
for Foreign Affairs of the French Republic

Mr. David Charles Ganao
Minister for Foreign Affairs
of the People's Republic of the Congo

II

Brazzaville, 1 January 1974

Sir,

On 1 January 1974, you sent me a letter which read as follows:

[See letter I]

I have the honour to inform you that the Government of the People's Republic of the Congo agrees to the proposals made in that letter.

Accept, Sir, etc.

[Signed]

DAVID CHARLES GANAO
Minister for Foreign Affairs
of the People's Republic of the Congo

Mr. Jean-François Deniau
Secretary of State to the Minister
for Foreign Affairs of the French Republic
