

No. 22033

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**SENEGAL  
and  
GAMBIA**

**Protocol on confederal defence and the integration of the armed forces of the Republic of the Gambia and the Republic of Senegal for armed forces of the Senegambia Confederation (with annexes). Signed at Banjul on 12 January 1983**

*Authentic texts: English and French.*

*Registered by the Confederation of Senegambia, acting on behalf of the Parties, on 7 July 1983.*

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**SÉNÉGAL  
et  
GAMBIE**

**Protocole sur la défense confédérale et l'intégration des forces armées de la République de Gambie et de la République du Sénégal pour la constitution des forces armées de la Confédération de la Sénégalie (avec annexes). Signé à Banjul le 12 janvier 1983**

*Textes authentiques : anglais et français*

*Enregistré par la Confédération de la Sénégalie, agissant au nom des Parties, le 7 juillet 1983.*

# PROTOCOL<sup>1</sup> ON CONFEDERAL DEFENCE AND THE INTEGRATION OF THE ARMED FORCES OF THE REPUBLIC OF THE GAMBIA AND THE REPUBLIC OF SENEGAL FOR ARMED FORCES OF THE SENEGAMBIA CONFEDERATION

The Republic of the Gambia and the Republic of Senegal,

Recalling the Agreement between the Republic of the Gambia and the Republic of Senegal establishing the Senegambia Confederation, signed at Dakar on the 17th day of December, 1981;<sup>2</sup>

Aware that clause 2 of the Agreement specifies the principles on which the Confederation is based;

Recalling further the provisions of clauses 5, 8, 9, 15, 17 and 22 of the Agreement;

Determined to realise within the context of clause 2 of the Agreement the integration of the Armed Forces of the two confederated States for the purposes of defending the sovereignty, integrity and independence of the two confederated States.

Have agreed as follows:

## PART I. DEFENCE OF THE CONFEDERATED STATES

### *Article 1. DEFENCE*

1. In accordance with clause 2 of the Agreement, the Armed Forces of the Confederation (Army, Navy, Air Force and the Gendarmerie) shall at all times, defend the sovereignty, the territorial integrity and the independence of the two confederated States against all forms of external aggression and internal subversion.

2. The Confederal Armed Forces (Army, Navy, Air Force and Gendarmerie) shall also fulfil any obligation relating to any international alliances, treaties and agreements entered into by the Confederation.

## PART II. INTEGRATION OF THE CONFEDERAL ARMED FORCES

### *Article 2. COMPOSITION OF THE CONFEDERAL ARMED FORCES*

1. The Confederal Armed Forces shall be constituted by transferring to the Confederation part of the military staff, equipment and facilities available in the two Confederal States.

2. The size and composition and the type of equipment of the Confederal Armed Forces shall be determined by the President in agreement with the Vice-President.

### *Article 3. COMMAND OF THE CONFEDERAL ARMED FORCES*

1. The President of the Confederation shall command the Confederal Armed Forces.

<sup>1</sup> Came into force on 29 March 1983 by the exchange of the instruments of ratification, which took place at Banjul, in accordance with article 9.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1261, No. 1-20735.

2. The President of the Confederation shall, in consultation with the Vice-President, decide on the deployment and movement of the Confederal Armed Forces.

3. The Armed Forces of the Confederation shall be placed under the exclusive command of the Confederation and deployed for purposes specified in the Agreement.

4. The Confederal Armed Forces may be deployed and stationed throughout the territories of the Confederated States.

5. The Confederal Armed Forces and the Gendarmerie shall respectively be under one military command, except that in time of war and in other circumstances specified by this Protocol and its annexes the Confederal Armed Forces and the Gendarmerie shall be under a single high ranking military commander appointed by an Act of the President of the Confederation.

#### *Article 4. ORGANISATION, STATUS AND ADMINISTRATION OF THE CONFEDERAL ARMED FORCES*

1. The general organisation of the defence of the Confederation and the rules necessary for its operation are embodied in Annexes I and II to this Protocol.

2. The general status of officers and non-commissioned officers of the Confederal Armed Forces, the rules governing the administration of the Confederal Armed Forces, accounting procedures, payments of salaries and other benefits; the rules governing pension rights and other military law shall be the subject of a separate Protocol of implementation.

### PART III. FINAL PROVISIONS

#### *Article 5. ANNEXES*

The Annexes referred to in this Protocol shall form part of it and any reference to this Protocol shall be construed to be a reference to the annexes.

#### *Article 6. TRANSNATIONAL PROVISIONS*

Pending the entry into force of Protocols of implementation provided for in this protocol and its annexes the law in force in each Conferated State shall apply.

#### *Article 7. SETTLEMENT OF DIFFERENCES*

Differences arising from the interpretation and implementation of this Protocol shall be settled in accordance with clause 15 of the Agreement and as provided for in clause 22.

#### *Article 8. RATIFICATION*

This Protocol shall be ratified in accordance with the constitution of each Confederated State.

#### *Article 9: ENTRY INTO FORCE*

This Protocol shall come into force as soon as the instruments of ratification are exchanged.

*Article 10. AMENDMENT*

Proposals for amendments to this Protocol shall be submitted to the depositories of the Protocol.

Such amendments shall come into force upon agreement of the parties.

*Article 11. ORIGINALS AND REGISTRATION*

The originals of the Protocol, done in English and French languages, both texts being equally authentic, shall be communicated to the Secretary-General of the United Nations for registration.

*Article 12. DEPOSITORIES*

The President and the Vice-President of the Confederation shall be depositories of this Protocol and any amendments made thereto.

DONE at Banjul on the 12th January, 1983.

For the Republic of the Gambia:

[Signed]

ALHAJI LAMIN KITI JABANG  
Minister of External Affairs  
of the Republic of the Gambia

For the Republic of Senegal:

[Signed]

MUSTAPHA NIASSE  
Foreign Minister  
of the Republic of Senegal

ANNEX I TO THE PROTOCOL ON CONFEDERAL DEFENCE AND THE INTEGRATION OF THE ARMED FORCES OF THE REPUBLIC OF THE GAMBIA AND THE REPUBLIC OF SENEGAL FOR THE ESTABLISHMENT OF THE CONFEDERAL ARMED FORCES OF THE SENEGAMBIA CONFEDERATION

*PART I. GENERAL PROVISIONS**Article 1. PURPOSES OF ANNEX*

This Annex makes provision for the general organisation of the Defence of the Confederated States as specified in paragraph 1 of Article 4 of the Protocol on Defence.

*Article 2. IN TIME OF CRISIS*

1. In the event of war, threat or any other crisis the President of the Confederation shall place the Confederation in a state of alert or call for general mobilization in accordance with clause 7 of the Agreement.

2. General mobilization requires the taking of necessary steps to implement all defence measures.

3. State of alert requires the taking of measures which are necessary for ensuring the freedom of action of public authorities aimed at reducing the vulnerability of the population at large and protecting major equipment and facilities and safeguarding the operations for mobilization or use of military forces.

*Article 3. REQUISITIONS, ORDERS AND PROHIBITIONS*

1. Pursuant to conditions and penalties which shall be provided for in a Protocol of implementation and in accordance with the provisions of Article 2, the President of the Confederation shall in all cases exercise the following powers throughout the Confederation:

- (a) Ordering persons to carry out their duties and to requisition goods and services;
  - (b) Controlling and distribution of the energy resources, raw materials, industrial products and foodstuffs, and to this end impose on persons and corporate bodies indispensable constraints on their properties.
2. The necessary measures to ensure the need for defence shall be obtained by mutual consent or by requisitioning.

## PART II. CO-ORDINATION OF DEFENCE

### *Article 4. POWERS OF THE PRESIDENT OF THE CONFEDERATION*

1. The President of the Confederation shall, in accordance with clause 7 of the Agreement be responsible for the Defence of the Confederation.
2. The President shall, on the advice of the Defence and Security Council, take decisions concerning the co-ordination of defence.
3. The President of the Confederation shall, in accordance with clause 8 of the Agreement, formulate general instructions on matters of defence. He shall with the assistance of the Vice-President, be responsible for the co-ordination of the confederal departments in the field of defence.
4. In accordance with clause 7 of the Agreement, the President of the Confederation shall make appointments to all military posts.
5. The President of the Confederation may delegate some of his powers under the Agreement and this Annex to the Vice-President or the Confederal Minister of Defence.

### *Article 5. RESPONSIBILITIES OF CONFEDERAL MINISTERS ON DEFENCE MATTERS*

1. Each Confederal Minister is responsible for the preparation and implementation of defence measures under his portfolio.
2. The Confederal Minister of Defence shall under the authority of the President implement the military policy of the Confederation.
3. The Confederal Minister of Defence shall be responsible for the preparation and implementation of the Defence measures of the Confederation.
4. The Confederal Minister of Defence shall be responsible for the general organisation and administration of the Confederal Armed Forces. He shall take adequate measures to ensure that suitable conditions exist for preparedness and mobilization of men and resources.
5. The Confederal Minister of Defence shall assist the President of the Confederation in the use of the Confederal Armed Forces
6. The Confederal Minister of Defence shall be responsible for exercising authority over all Confederal Armed Forces.
7. The Confederal Minister of Defence shall, immediately the Confederation is placed in a state of alert, be given priority required by the Armed Forces for communication, transport and the distribution of general resources.

### *Article 6. CIVIL DEFENCE*

1. The Confederal Minister of Defence shall assist the Confederal Minister of Security in the preparation and implementation of plans for the civil defence of the Confederation.
2. The Confederal Minister of Defence shall also assist the Confederal Minister of Security in the preparation, coordination and control of all measures undertaken by confederal departments for the civil defence of the Confederation.

### PART III. TERRITORIAL AND OPERATIONAL ORGANISATION OF DEFENCE

#### *Article 7. CREATION OF MILITARY ZONES*

For the purposes of organising territorial defence the President of the Confederation shall, on the advice of the Defence and Security Council, establish Military Zones within the Confederated States.

#### *Article 8. CIVILIAN AUTHORITIES IN MILITARY ZONE*

1. In each military zone the existing civilian authorities (Commissioners, Governors, and Prefects) shall be responsible for non-military activities in the field of defence, including the harmonisation of activities between civilian and military departments aiming at civilian defence and the internal security of each zone.

2. Such authorities referred to in paragraph 1 shall be vested with powers necessary to discharge their duties.

#### *Article 9. ZONAL MILITARY COMMAND*

The Military Command of each zone shall be exercised by high ranking military officers as the President shall in agreement with the Vice-President appoint.

#### *Article 10. RESPONSIBILITIES OF ZONAL MILITARY COMMANDERS*

1. The Commanding Officer in each military zone shall command the armed forces stationed in that zone.

2. The duties of the Zonal Military Commander shall include the administration of the Armed Forces welfare and discipline of the units under his command, training and assessment of personnel, the making of adequate plans for reinforcement and mobilization and the control and utilization of the available resources in the various military establishments in the zone.

#### *Article 11. OPERATIONAL AND SPECIALISED COMMANDS*

1. In the event of war threat or any other crisis and in accordance with clauses 7 and 8 of the Agreement, the President of the Confederation may appoint:

- (a) A Supreme Commander;
- (b) Senior Commanders of operational units of armies;
- (c) Specialised officers commanding special operational units.

The Supreme Commander shall on assumption of office exercise full authority over all confederal military forces and resources. The President shall confer on the Supreme Commander, authority to exercise control over all matters relating to civilian defence, the security of the troops and the use of services, persons and properties required for the conduct of operations and the maintenance of the Confederal Forces.

2. There shall be inter army high commands. The high commands shall be provided with the necessary facilities for use by the forces at their disposal. They shall be vested with the authority necessary for the execution of their tasks, in matters relating to civilian defence, the security of troops, the requisition of properties, goods and services.

3. The specialised commands referred to in paragraph 1 of this Article shall ensure the establishment and use of operational units (airborne, air, sea operations and others), or a specialised arm (communications, engineering and others).

ANNEX II TO THE PROTOCOL ON CONFEDERAL DEFENCE AND THE INTEGRATION OF THE ARMED FORCES OF THE REPUBLIC OF THE GAMBIA AND THE REPUBLIC OF SENEGAL FOR THE ESTABLISHMENT OF THE ARMED FORCES OF THE SENEGAMBIA CONFEDERATION

*Article 1. PURPOSE OF ANNEX*

This Annex provides the structure and general organisation of the Confederal Armed Forces.

*Article 2. ASSIGNMENT OF DUTIES BY THE PRESIDENT OF THE CONFEDERATION.*

The President of the Confederation shall command the Confederal Armed Forces and determine the duties of the following authorities:

- (a) The Confederal Minister of Defence;
- (b) The Chief of Staff of the Confederal Armed Forces;
- (c) The Commander of the Gendarmerie; and
- (d) The Commanders of military zones.

*Article 3. STRUCTURE OF THE CONFEDERAL ARMED FORCES*

1. The Confederal Armed Forces shall be structured as follows:

*A. Office of the President:*

Special staff;

General Inspection of the Confederal Armed Forces.

*B. Office of the Vice-President:*

Special staff or any unit or body as may be determined by the President in agreement with the Vice-President.

*C. Office of the Confederal Minister of Defence:*

General Staff of the Confederal Armed Forces;

Command of the Gendarmerie;

Special unit for the enforcement of military law;

Special units for administration, mobilization and intelligence, and any other unit as may be determined by the Confederal Defence and Security Council.

*D. The Army, Air Force, Navy and the Gendarmerie:*

Command of the Army, the Air Force and the Navy;

Troops and Gendarmerie units;

Training staff;

Specialised services.

2. The President shall on the advice of the Defence and Security Council determine the duties of all commanding officers.

*Article 4. PERMANENT FORCES AT MILITARY ZONES .*

There shall be stationed permanent forces at each military zone established by article 7 of Annex I to the Protocol on Defence.