

No. 24252

FRANCE
and
DJIBOUTI

Provisional Protocol concerning the conditions for the stationing of French forces on the territory of the Republic of Djibouti after independence and the principles of military co-operation. Signed at Djibouti on 27 June 1977

Authentic text: French.

Registered by France on 9 July 1986.

FRANCE
et
DJIBOUTI

Protocole provisoire fixant les conditions de stationnement des forces françaises sur le territoire de la République de Djibouti après l'indépendance et les principes de la coopération militaire. Signé à Djibouti le 27 juin 1977

Texte authentique : français.

Enregistré par la France le 9 juillet 1986.

[TRANSLATION — TRADUCTION]

PROVISIONAL PROTOCOL¹ CONCERNING THE CONDITIONS FOR
THE STATIONING OF FRENCH FORCES ON THE TERRITORY
OF THE REPUBLIC OF DJIBOUTI AFTER INDEPENDENCE AND
THE PRINCIPLES OF MILITARY CO-OPERATION

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

The Government of the Republic of Djibouti, on the other hand,

Having decided to establish co-operation based on the principle of sovereign equality and non-intervention in the internal affairs of each of the two States,

Desiring to resolve questions regarding the presence of French forces on the territory of the Republic of Djibouti and to regulate the terms of any assistance which these forces may provide to the Republic of Djibouti,

Have agreed as follows:

Article 1. At the request of the Government of the Republic of Djibouti acting in the exercise of the right of self-defence recognized in Article 51 of the Charter of the United Nations, and in the case of aggression by a foreign army, the Government of the French Republic shall extend to the Republic of Djibouti, under conditions established by mutual agreement, the participation of the French armed forces stationed on the latter's territory.

French forces stationed on the territory of the Republic of Djibouti may not participate in operations aimed at maintaining or restoring public order.

Article 2. The Government of the French Republic is prepared, at the request of the Government of the Republic of Djibouti, to provide assistance in establishing the armed forces of the Republic of Djibouti.

Such assistance shall take the following forms:

- (1) The provision of logistical support by the French forces stationed on the territory of the Republic of Djibouti;
- (2) The secondment of French military personnel for service with the Government of the Republic of Djibouti, by way of technical military co-operation;
- (3) Where possible, the training in French schools and the provision of instruction and advanced training to officers of the armed forces of the Republic of Djibouti.

Article 3. In order that the French armed forces may carry out their assignments, the Republic of Djibouti shall:

- Make available to them the infrastructure (buildings, land, installations and housing) needed to keep them in training. Such installations, land, buildings and housing shall be returned to the Government of the Republic of Djibouti as and when they are no longer required by the French armed forces;
- Grant them the necessary facilities relating to movement and training;

¹ Came into force on 31 October 1982, the date of receipt of the last of the notifications by which the Parties informed each other (on 10 November 1979 and on 31 October 1982) that it had been approved, in accordance with article 11.

- Waive import duties and charges, with the exception of port fees, on equipment, materials and supplies for strictly military use. With regard to provisioning, fuels and ingredients under a quota to be determined and combat rations packaged individually or in bulk shall be similarly exempted.

Article 4. The Government of the Republic of Djibouti shall also grant the French armed forces facilities for any overflights, stopovers and air and sea transit which they may require on terms to be agreed.

Article 5. French military personnel assigned to technical military co-operation shall be governed by the regulations applicable to French military status. They shall serve in the armed forces of the Republic of Djibouti in accordance with the rules governing the use of their branch or unit. They may not, however, be used to conduct operations aimed at maintaining or restoring public order and may not participate in any armed conflict operations except those in which the French forces stationed on the territory of the Republic of Djibouti are engaged.

Article 6. The courts of Djibouti shall have jurisdiction over offences committed by French military personnel on the territory of the Republic of Djibouti.

However, when offences are committed by French military personnel while on duty or in connection with their duties, or within the installations made available to them, such personnel, being still governed by the regulations applicable to French military status, shall be subject to French military jurisdiction. The Government of the French Republic shall be required to inform the Government of the Republic of Djibouti of the legal action taken.

The French State shall bear civil liability for damage done by members of the French armed forces as a result of offences brought before French military courts.

Any French military personnel and members of their families against whom proceedings are being taken before a court of Djibouti and whose detention is considered necessary shall be confined to restricted residence at a place fixed by agreement between the authorities of Djibouti and France. Such confinement shall be equivalent to being remanded in custody.

If they are given sentences involving imprisonment, they shall be handed over to the French authorities and, subject to the deposit of a security guaranteeing payment of any damages, shall be repatriated and shall serve their sentences in French penal institutions.

The Government of the French Republic shall be required to inform the Government of the Republic of Djibouti of the places and conditions in which sentences are being carried out.

A reciprocity clause shall be included in the agreements provided for in article 8.

Article 7. French military personnel serving on the territory of the Republic of Djibouti shall be subject to the tax and customs régime defined in the Agreement on assistance by the French Republic in matters relating to technical co-operation personnel.¹

The French military authorities may maintain messes, clubs and recreational centres. The procurement of supplies shall be subject to the tax and customs régime under ordinary law. The necessary steps shall be taken to ensure that persons who are

¹ United Nations, *Treaty Series*, vol. 1506, No. I-25963.

not entitled to obtain supplies from such establishments cannot have access to them or obtain the goods sold there.

Article 8. Agreements on co-operation may subsequently be concluded between the Contracting Parties. They shall establish the details of the provisions concerning, on the one hand, the status of the French forces and, on the other hand, the conditions of the technical military co-operation to be furnished to the armed forces of the State of Djibouti.

Article 9. The two Contracting Parties shall reach agreement on the nature of the weapons to be introduced by the French forces onto the soil of the Republic of Djibouti.

Article 10. The territory of the Republic of Djibouti may not be used as a base or a tactical supporting point for armed intervention against a third country, except in the case provided for in article 1.

Article 11. This Protocol shall enter into force upon the exchange of the instruments of acceptance. Its provisions may be reviewed and revised at any time at the request of one or other of the Parties.

It may also be denounced at any time by either of the Contracting Parties on three months' notice in writing addressed to the other Contracting Party.

DONE at Djibouti, on 27 June 1977, in duplicate in the French language.

For the Government
of the French Republic:

[Signed]

ROBERT GALLEY
Minister of Co-operation

For the Government
of the Republic of Djibouti:

[Signed]

HASSAN GOULED APTIDON
President of the Republic
of Djibouti