

No. 26444

**FRANCE
and
ALGERIA**

**Protocol concerning Active National Service volunteers.
Signed at Algiers on 7 September 1986**

Authentic texts: French and Arabic.

Registered by France on 16 February 1989.

Amendment (*Note by the Secretariat*)

**FRANCE
et
ALGÉRIE**

**Protocole relatif aux volontaires du Service national actif.
Signé à Alger le 7 septembre 1986**

Textes authentiques : français et arabe.

Enregistré par la France le 16 février 1989.

Modification (*Note du Secrétariat*)

[TRANSLATION — TRADUCTION]

PROTOCOL¹ CONCERNING ACTIVE NATIONAL SERVICE VOLUNTEERS

Article 1

In the context of the Convention on cultural, scientific and technical cooperation of 11 March 1986,² the French Government shall make available to the Algerian Government volunteers from among the conscripts called up for national service, hereinafter referred to as "Volunteers", to carry out national service under the cooperation programme.

Article 2

Applications which answer the needs expressed by the Algerian Government in the form of post description sheets or profile sheets, as provided for in article 2 of the Administrative and Financial Protocol annexed to the Convention on cultural, scientific and technical cooperation between France and Algeria of 11 March 1986, shall be submitted for approval by the French Government in the context of the recruitment procedures established.

The approval of the Algerian authorities, together with a description of the nature and duty station of the post assigned to each candidate accepted, shall be addressed to the competent French authorities at least four months before the proposed date of the Volunteer's entry into service.

Article 3

In the performance of their duties, Volunteers shall be placed under the authority of the Algerian Government. They may neither request nor receive instructions from any authority other than the Algerian authority to which they are attached by virtue of the duties they perform.

They shall be bound, both during the period of their appointment and after its expiry, to observe absolute discretion regarding the facts, information and documents which have come to their knowledge in the performance or in connection with the performance of their duties. They shall not engage in any political activity in Algerian territory and shall refrain from any act liable to injure the material or moral interests of either the Algerian or the French authorities.

They shall not perform, for the duration of their appointment, directly or indirectly, any gainful activity in Algerian territory.

With respect to their status as conscripts, they shall be placed under the supervision of the French ambassador in Algiers.

Article 4

The Algerian Government shall accord each Volunteer the protection and guarantees it extends to its own personnel.

¹ Came into force on 30 March 1988, in accordance with article 21, with effect from 1 April 1988, in accordance with the Exchange of letters of 30 March 1988 (see p. 33 of this volume).

² See p. 33 of this volume.

Article 5

Throughout the period of their national service, Volunteers shall be entitled to a flat-rate subsistence allowance determined by mutual agreement.

The two parties shall meet annually to consider the possibility of adjusting this allowance.

On the date of the entry into force of this Protocol, this allowance shall be set at 4,000 Algerian dinars.

Article 6

This allowance shall be paid by the Algerian Government. The first 15 monthly payments shall be made in non-convertible dinars, and the 16th monthly payment shall be made in convertible dinars.

This allowance shall be exempt from all taxes in both Algeria and France.

Article 7

Upon arrival in Algeria, the Volunteer shall receive from the Algerian authorities, upon entering into service, a single lump-sum equipment grant. The amount of this grant shall equal 20 per cent of the amount of the monthly flat-rate subsistence allowance.

Article 8

The Algerian authorities shall assign to Volunteers, at their place of employment, lodgings which meet minimum standards of comfort.

Article 9

Volunteers shall be entitled to reimbursement:

- Of the costs of travel in both directions between their domicile in France and their duty station in Algeria;
- Of the cost of shipping up to 150 kilograms of baggage including the “accompanied baggage” allowance granted by shipping companies, or, if the Volunteer uses his own motor vehicle for the trip, of the transport by sea of the vehicle, in lieu of the cost of shipping his baggage.

These costs shall be paid:

By the French Government:

- For travel within France between the Volunteer’s domicile and Marseilles, in both directions, based on the price of a second-class railway ticket on the line in question, irrespective of the means of transport used;
- For the crossing by sea from Marseilles to Algiers in economy class.

By the Algerian Government:

- For travel within Algeria between Algiers and the duty station, based on a flat-rate allowance of 200 dinars for Volunteers assigned to zone 1 and 400 dinars for those assigned to the other zones. This allowance shall be paid at the same time as the equipment grant. At the end of the appointment, an identical allowance shall be paid at the same time as the 15th monthly payment for travel from the duty station to the port of embarkation;

- For the crossing by sea from the Algerian port of embarkation to Marseilles in economy class.

Article 10

The working week for Volunteers shall be that applicable in Algeria to the category of personnel to which they are assimilated.

Article 11

For service-related travel within Algeria and for missions to which they may be assigned as part of their duties, Volunteers shall be assimilated to Algerian personnel performing the same function. The costs connected with such travel or missions shall be borne by the employer.

Article 12

Volunteers shall be entitled to normal leave on the following conditions:

- Two days per month of actual service in zone 1;
- Three days per month of actual service in the other zones.

Any part of a month of actual service longer than 15 days shall count as one month.

Volunteers may be authorized to take normal leave either in separate portions up to the amount earned, or in a single period prior to separation from actual service, subject to the needs of the service.

Volunteers in teaching positions shall be subject to the academic timetable of the institution to which they are assigned. During the period between two academic years, they shall be entitled to normal leave in advance, calculated according to the total length of time for which they will be on active service. Such leave shall exhaust their entitlements until their separation from service.

Special leave, up to a maximum of five days in zone 1 and seven days in the other zones, including travel time, may be granted for sitting examinations or for duly justified family reasons. "Family reasons" means the marriage of the person concerned, the birth of a child, the death of the spouse or of a child, the death of the father or mother or the marriage or death of a brother or sister of the person concerned.

Article 13

Any Volunteer wishing to take normal or special leave outside Algerian territory shall be required to obtain a leave document issued by the employing organization. Upon presentation of this document, the services of the French embassy or consulate to which they are attached shall issue them with a leave permit.

The leave document, certified by the Algerian border police when the Volunteer leaves and re-enters Algerian territory, shall subsequently be transmitted by the Volunteer to the cultural and cooperation service of the French embassy, which shall forward it to the central treasury in Algiers.

Article 14

The costs of medical care, medication and hospitalization for Volunteers shall be paid by the French Government.

In the event of illness or accident requiring hospitalization for 15 days or longer, the French ambassador may decide, after so advising the Algerian authorities, to proceed with the immediate repatriation of the Volunteer to a hospital in the health service of the French armed forces.

The French authorities shall be responsible for organizing repatriation for health reasons. Such repatriation shall be definitive, and the costs connected therewith shall be paid by the French Government.

Article 15

Volunteers serving the Algerian Government under the cultural, scientific and technical cooperation programme must be returned to the jurisdiction of the French Government on such a date as will allow their separation to take place in the same conditions as those of the branch of service to which they belong.

Volunteers in teaching positions shall undertake to prolong their stay in Algeria beyond the length of their active national service in order to complete a second full academic year.

In this context, they shall be informed at the time of their initial recruitment that they will be required to sign an additional contract allowing them to benefit from the provisions of the Administrative and Financial Protocol annexed to the Convention on cultural, scientific and technical cooperation. This contract shall be signed before the end of the first academic year. The separation of such Volunteers from active national service shall take place at their duty station. They shall, at that time, no longer have the status of Volunteers.

Should the person concerned refuse to sign the additional contract, he shall be returned to the jurisdiction of the French Government to complete his national service obligations in France in a military unit.

Article 16

The Algerian Government may return any Volunteer to the jurisdiction of the French Government at any time, on one month's notice.

In exceptional cases, the French Government may recall any Volunteer on not less than one month's notice and under conditions which do not affect the smooth operation of the service.

Article 17

At the request of the Algerian Government, the French Government shall, to the extent possible, provide for the replacement of Volunteers who prematurely end their service under the conditions provided for in articles 14, 15 and 16 above.

Article 18

No disciplinary measures may be taken against Volunteers by the Algerian authority to which they are attached by virtue of their duties other than their return, on stated grounds, to the jurisdiction of the French Government.

Article 19

In the event of an accident or any other serious occurrence involving one or more Volunteers, the Algerian Government shall urgently notify the French Government.

Article 20

This Protocol shall terminate and replace the Protocol of 23 October 1963,¹ as well as the subsequent amendments and exchanges of letters.

Article 21

This Protocol is concluded for a period of five years. It shall enter into force on the same date as the Convention on cultural, scientific and technical cooperation, with effect from 1 September 1986.² It may be extended each year by tacit agreement.

It may be amended at any time by agreement between the two Governments. It may be denounced by either party on six months' notice.

IN WITNESS WHEREOF the plenipotentiaries, being duly authorized for the purpose, have signed this Protocol.

DONE at Algiers on 7 September 1986, in two copies in the French and Arabic languages, both texts being equally authentic.

For the Government
of the French Republic:

[BERNARD BOCHET]

For the Government
of the People's Democratic Republic
of Algeria:

[A. ABADA]

¹ United Nations, *Treaty Series*, vol. 812, p. 61.

² The date of effect was deferred until 1 April 1988. (See p. 33 of this volume.)

AMENDMENT OF THE PROTOCOL OF 7 SEPTEMBER 1986 CONCERNING ACTIVE NATIONAL SERVICE VOLUNTEERS BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA¹ (*Note by the Secretariat*)

The Government of France registered on 16 February 1989 an exchange of letters done at Algiers on 30 March 1988² constituting an agreement amending the above-mentioned Protocol.

The said exchange of letters came into force on 30 March 1988.
(16 February 1989)

MODIFICATION DU PROTOCOLE DU 7 SEPTEMBRE 1986 RELATIF AUX VOLONTAIRES DU SERVICE NATIONAL ACTIF ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE ALGÉRIENNE DÉMOCRATIQUE ET POPULAIRE¹ (*Note du Secrétariat*)

Le Gouvernement français a enregistré le 16 février 1989 un échange de lettres en date à Alger du 30 mars 1988² constituant un accord modifiant le Protocole susmentionné.

Ledit échange de lettres est entré en vigueur le 30 mars 1988.
(16 février 1989)

¹ See p. 1 of this volume.

² See p. 33 of this volume.

¹ Voir p. 16 du présent volume.

² Voir p. 33 du présent volume.