

No. 27188

FRANCE
and
GABON

Agreement on cooperation in economic, monetary and financial matters. Signed at Libreville on 17 August 1960

Exchange of letters constituting an agreement relating to the keeping in force of the provisions of Title II, articles 9, 10 and 11 of the above-mentioned Agreement. Paris, 12 February 1974

Authentic texts: French.

Registered by France on 10 April 1990.

FRANCE
et
GABON

Accord de coopération en matière économique, monétaire et financière. Signé à Libreville le 17 août 1960

Échange de lettres constituant un accord relatif au maintien en vigueur des dispositions du Titre II, articles 9, 10 et 11 de l'Accord susmentionné. Paris, 12 février 1974

Textes authentiques : français.

Enregistrés par la France le 10 avril 1990.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON COOPERATION IN ECONOMIC, MONETARY
AND FINANCIAL MATTERS BETWEEN THE FRENCH REPUB-
LIC AND THE GABONESE REPUBLIC

The Government of the French Republic and
The Government of the Gabonese Republic,

Considering that, by virtue of the transfer agreement of 15 July 1960,² which entered into force on 16 August 1960, the Gabonese Republic has acceded to independence and that the French Republic has recognized it as an independent and sovereign State,

Considering that the Gabonese Republic has stated its intention to cooperate with the French Republic within the Community in which it shall participate under the conditions laid down in the Franco-Gabonese agreements of today's date,

Have agreed as follows:

PRELIMINARY TITLE

Article 1

The Gabonese Republic declares that it wishes to continue its development in close association with the African States of Central Africa and in cooperation with the countries of the Franc Zone, while at the same time taking advantage of opportunities for trade offered to it in other parts of the world.

Article 2

The French Republic affirms that it shall continue to provide the Gabonese Republic with the material and cultural assistance the latter requires to attain the economic and social goals which it has set for itself.

Article 3

The Gabonese Republic is willing to cooperate with the other States members of the Franc Zone. The contractual association between each independent State and that Zone is based on two fundamental principles:

Each independent State shall retain all the economic and financial powers recognized as belonging to sovereign States;

Member States shall agree to coordinate their external trade and financial policies in joint bodies so as to assist each other and to promote the most rapid possible economic development of each of them.

¹ Came into force on 14 February 1961, the date of the last of the notifications by which the Parties notified each other of the completion of the required procedures, in accordance with article 38.

² United Nations, *Treaty Series*, vol. 820, p. 373.

Article 4

This Agreement has been freely discussed and concluded with the intention of establishing a close association between the two Parties that enables them, by taking into account their different structures and their resources, to stabilize relations between them and to make those relations more beneficial to both Parties.

TITLE I

THE FRANCO-GABONESE COMMISSION

Article 5

A Franco-Gabonese Commission, of equal membership, shall be established. The Commission shall meet at least once a quarter. In the intervals between such meetings, it may be convened at the request of either Party.

Article 6

The Franco-Gabonese Commission shall, where necessary, take cognizance of all questions concerning cooperation between the French Republic and the Gabonese Republic in the fields covered in Titles III and IV of this Agreement, without prejudice to the possible competence of other specialized bodies provided for in Title V.

Article 7

The powers of the Franco-Gabonese Commission shall be advisory, except in the cases specified in this Agreement.

Article 8

The Franco-Gabonese Commission shall establish the conditions governing the organization and preparation of its meetings.

TITLE II

AID FROM THE FRENCH REPUBLIC TO THE GABONESE REPUBLIC

Article 9

The French Republic, desiring to support the efforts of the Gabonese Republic to achieve development, shall provide it, to the fullest extent possible, with the aid it requires to attain the economic and social goals which it has set for itself and in particular to enable it to establish its road and port infrastructure.

Article 10

Aid from the French Republic to the Gabonese Republic shall comprise, *inter alia*, the carrying out of studies, the supply of equipment, the secondment of experts and technicians, the training of professional staff and the granting of financial support.

Article 11

The arrangements for the aid granted and the volume of such aid shall be the subject of agreements negotiated between the two Parties.

TITLE III

COORDINATION OF EXTERNAL COMMERCIAL AND FINANCIAL POLICIES

Article 12

The Gabonese Republic, being a sovereign State, shall have the right to negotiate and sign trade agreements or treaties, customs conventions and financial agreements with all countries, whether or not they are members of the Franc Zone, and with all international bodies.

Under the same conditions, the Gabonese Republic shall determine its quota and tariff policy.

Article 13

Pursuant to article 12 above, the French Republic and the Gabonese Republic agree to maintain their trade relations within the framework of a reciprocal preferential system which, where necessary, shall be determined by special agreements.

The French Republic and the Gabonese Republic agree to coordinate their trade policies with respect to third parties, particularly as regards their import plans and the preparation of their international agreements.

For the application of the foregoing provisions, the two Parties agree to consult together under the conditions specified in article 5 of this Agreement, without prejudice to the arrangements specified in the articles below.

Article 14

The reciprocal preferential system referred to in the first paragraph of the preceding article shall include, *inter alia*, privileged outlets, particularly where market organizations are concerned, and the principle of freedom of movement and exemption from customs duties.

Agreed exceptions may be made in the Franco-Gabonese Commission in the light of the development requirements of the Gabonese Republic.

Article 15

All receipts and expenditures of the Gabonese Republic involving countries outside the Franc Zone shall take the form of the sale or purchase of foreign exchange on the central currency market of the Franc Zone.

Article 16

Subject to any agreed adjustments, the Gabonese Republic undertakes to make the exchange regulations of the Franc Zone applicable within its territory.

The competent authorities of the French Republic and of the Gabonese Republic shall cooperate in seeking out and taking action against violations of the exchange regulations.

Exchange control and trade and economic policy in Gabon shall be coordinated through collaboration between the Gabonese Republic and the central monetary authorities of the Franc Zone under the conditions specified in the following paragraphs.

By decision of the central monetary authorities of the Franc Zone, the Gabonese Foreign Exchange Office shall be placed under the administrative authority of the Gabonese Republic.

The Director shall be appointed by the Gabonese Republic, subject to the approval of the central authorities of the Franc Zone.

He shall be assisted by a technical adviser appointed by those authorities, subject to the approval of the Gabonese Republic. The technical adviser shall have cognizance of all transactions submitted to the Foreign Exchange Office. Any disagreement between the Director of the Office and the technical adviser shall result in the suspension of transactions and shall be referred to the Foreign Exchange Committee, a conciliation body of equal membership based at the Office. In the case of a lasting disagreement, the matter shall be referred for decision to the Minister of Finance of the Gabonese Republic, who may refer the matter to the Franco-Gabonese Commission.

Article 17

A dollar account entitled “Gabon: drawing rights” shall be opened with the foreign exchange stabilization fund.

This account shall be credited with the equivalent of any foreign currency receipts and any gifts and loans in foreign currency which the Gabonese Republic obtains from third countries or international bodies; the account may, if necessary, be granted supplementary drawing rights on the general reserves of the Franc Zone. To the extent that money is available, the account shall be debited with the equivalent of settlements in currency corresponding, *inter alia*, to Gabonese imports of foreign goods and the repayment of foreign loans.

Consultations as to which other transactions may be charged to it shall be held within the Franco-Gabonese Commission.

Article 18

The granting of supplementary drawing rights shall be determined for each category of currency as a whole. The amount shall be fixed by the Franco-Gabonese Commission according to the requirements and possibilities, not only of the Gabonese Republic and the French Republic, but also of all members of the Franc Zone, in the light of the development plan of each of them.

In order to clarify its discussions, the Franco-Gabonese Commission shall endeavour to evaluate the foreign currency component of trade between the Gabonese Republic and the rest of the Franc Zone. It is understood that, to achieve the same clarity in the foreign accounts of the Gabonese Republic, any foreign trade operation of concern to the Gabonese Republic shall be charged to the “Gabon: drawing rights” account, even if payment for such operation has been effected outside its territory.

Article 19

The Gabonese Republic shall be free to dispose of the foreign currency resources credited to its account, and within the limits of the amount so credited it shall grant import licences, with due regard both to its import plan and to the obligations arising from trade agreements or international conventions.

Article 20

The French Republic and the Gabonese Republic agree to consult together, within the framework of the Franco-Gabonese Commission or of any body assembling some or all of the States of the Franc Zone, whenever one of the Parties is preparing to negotiate economic or financial agreements, conventions or treaties, the subject-matter of which is of substantial interest to the other participants.

Similarly, the French Republic and the Gabonese Republic shall hold discussions concerning any problem relating to payment agreements.

TITLE IV

COORDINATION OF MONETARY POLICIES

Article 21

The French Republic recognizes that the status of sovereign State acquired by the Gabonese Republic confers on it the right to introduce its own national currency and to establish its own bank of issue.

Article 22

The Gabonese Republic declares its intention to maintain its membership of the Franc Zone. The Gabonese Republic recognizes the CFA franc, issued by the Banque Centrale des Etats de l'Afrique Equatoriale et du Cameroun, as the currency which shall be legal tender throughout its territory.

Article 23

The Gabonese Republic and the French Republic recognize that each has the right to terminate the monetary system mentioned in the preceding article, in so far as it concerns them, if the system seems to either Party to have become contrary to its own legitimate interests.

In such case, the two Parties agree that they will enter into negotiations within the Franco-Gabonese Commission in order to establish, on the one hand, the period of time which should elapse before the reform takes effect and, on the other hand, the procedures for such reform in so far as they concern the two Parties, including the rate of exchange between the new currency and the French franc and other monetary units of the area, and the relations between the new bank of issue and the other monetary bodies in the Zone.

In such event, the French Republic undertakes to provide the Gabonese Republic with any assistance it requests in so far as this is possible.

Article 24

Changes in the parity between the monetary unit used in Gabon and the French franc shall be made only after agreement between the Parties.

The Government of the French Republic shall consult with the Government of the Gabonese Republic in connection with such studies as may be carried out before any changes are made in the rate of exchange between the franc and foreign currencies and shall negotiate with it measures calculated to safeguard the legitimate interests of the Gabonese Republic.

Article 25

The managers of branches of the Banque Centrale des Etats de l'Afrique Equatoriale et du Cameroun in Gabon shall be appointed following agreement with the authorities of the Gabonese Republic.

Article 26

The operations of the Banque Centrale in the Gabonese Republic shall be recorded separately in its accounts.

A Committee of equal membership composed of the representatives of the French Republic and of the Gabonese Republic shall be established within the Board of Governors of the Banque Centrale and shall meet *de jure* at the request of half of its members. The Committee shall exercise the powers delegated to it by the Board of Governors of the Banque Centrale concerning the activity of the Banque Centrale in Gabon, including discounting, loans and advances. It shall participate in the studies designed to enable the Board of Governors of the Banque Centrale to set rediscount ceilings.

Article 27

Independently of these functions, the Committee shall consider the orientation to be given to the credit policy in Gabon with a view to the allocation of financial resources, by sectors of activity, in the best interests of the economy of the Gabonese Republic. The Banque Centrale shall, on a regular basis, transmit statistical data to the Committee to enable it to evaluate trends in the Gabonese Republic with respect to:

- Bank deposits,
- Use of bank funds,
- Rediscount facilities granted to banks,
- Bank exposures recorded and classified according to the category of economic activity,
- Transfers of funds abroad effected through the Banque Centrale.

Article 28

The Committee shall transmit annually to each of the two Governments a report on the issue and credit situation in the Gabonese Republic.

Article 29

With effect from the date of the signing of this Agreement, any amendment to the statutes of the Banque Centrale des Etats de l'Afrique Equatoriale et du Cameroun shall be the result of an agreement between the Gabonese Republic and the other competent authorities.

Article 30

The agreement of 22 March 1960 on relations between the French Treasury and the Treasury of Gabon and on mutual assistance and cooperation between the Gabonese Republic and the French Republic for the organization and operation of Treasury services is hereby confirmed.

TITLE V

MISCELLANEOUS PROVISIONS

Article 31

The French Republic and the Gabonese Republic shall consult together with the other States of the Community at the highest level, within the framework of the periodic Conference of Heads of State and Government, on general questions relating to monetary, economic and financial policy and on development problems. Such consultation shall, where necessary, be extended to all other States in the Franc Zone.

Article 32

The Government of the Gabonese Republic shall, at its request, be represented on the joint bodies of the Franc Zone.

On that basis, provision will be made for it to be represented on such bodies as:

- The Monetary Committee of the Franc Zone,
- The Committee for Foreign Investments,
- The Committee for Economic and Financial Affairs,
- The Commission on Trade Agreements,
- When necessary, any other multilateral groups with competence in economic and financial matters.

The procedures for applying this article shall be determined by the Franco-Gabonese Commission.

Article 33

The conditions governing the possible participation of the Gabonese Republic in the Central Credit Council with a view to the harmonization of the general principles of credit regulation and banking organization shall be established by a special agreement.

The procedures for the possible association of the Gabonese Republic with the Bank Control Commission may be organized by the same agreement.

Article 34

A Franco-Gabonese Commission, of equal membership, shall be specially established to prepare an agreement on State property.

The ownership of all State property registered in the name of the French Republic shall be transferred to the Gabonese Republic. The Commission shall assign to the French Republic a beneficial interest in such property, or its equivalent, when the property is required for the services of the French Republic in the territory of the Gabonese Republic.

The Commission shall establish a list of the lands purchased with French State budget appropriations, to be recognized as owned by the French Republic, and a list of buildings of whatever kind constructed by means of such appropriations, in respect of which a right of *superficies* will be recognized. In the latter case, the Commission shall determine any compensation that may be due to the landowner.

The Commission shall submit its conclusions before 1 March 1961.

Article 35

The Commission provided for in the preceding article shall draw up a list of French public agencies which are administratively or financially autonomous whose property is deemed to be private property.

Article 36

The Gabonese Republic shall confirm the concessions granted prior to the date on which this Agreement enters into force.

Until the agreement referred to in article 34 is prepared, the right of concession in respect of private lands registered in the name of the French Republic shall be exercised in the Franco-Gabonese Commission provided for in Title I.

Article 37

Within two months following the date of entry into force of this Agreement, the first session of the Franco-Gabonese Commission provided for in Title I shall be convened and shall specify, as necessary, the procedures for the effective application of this Agreement.

Article 38

Each of the Contracting Parties shall notify the other of the completion of the procedures required for the entry into force of this Agreement, which shall take effect on the date of the latter notification.

DONE at Libreville on 17 August 1960.

For the Government
of the French Republic:

[JEAN FOYER]

For the Government
of the Gabonese Republic:

[LÉON MBA]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE FRENCH REPUBLIC AND THE GABONESE REPUBLIC RELATING TO THE KEEPING IN FORCE OF THE PROVISIONS ON TITLE II, ARTICLES 9, 10 AND 11 OF THE AGREEMENT OF 17 AUGUST 1960 ON COOPERATION IN ECONOMIC, MONETARY AND FINANCIAL MATTERS²

I

Paris, 12 February 1974

Sir,

I have the honour to inform you that the provisions of Title II, articles 9, 10 and 11, of the Agreement on Cooperation in Economic, Monetary and Financial Matters of 17 August 1960 will remain in force pending the conclusion of a new Agreement on that subject.

A Franco-Gabonese Commission of equal membership will follow the development of economic and financial relations between the two countries.

The commission will meet once a year, or at the request of either of the Parties, alternately in France and Gabon.

I have the honour to request you to inform me whether these arrangements have the approval of the French Government.

Accept, Sir, etc.

[Signed]

GEORGES RAWIRI
Minister of State
Delegate to the Presidency
of the Gabonese Republic
responsible for Foreign Affairs
and Cooperation

Mr. Jean-François Deniau
Secretary of State at the Ministry of Foreign Affairs
of the French Republic

¹ Came into force on 12 February 1974 by the exchange of the said letters.

² See p. 196 of this volume.

II

Paris, 12 February 1974

Sir,

You addressed me a letter dated 12 February 1974 which reads as follows:

[*See letter I*]

I have the honour to inform you that the Government of the French Republic is in agreement with the proposals made in that letter.

Accept, Sir, etc.

[*Signed*]

JEAN-FRANÇOIS DENIAU
Secretary of State at the
Ministry of Foreign Affairs
of the French Republic

Mr. Georges Rawiri
Minister of State
Delegate to the Presidency
of the Gabonese Republic
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