

No. 27189

**FRANCE
and
GABON**

Convention concerning personnel assistance provided by the French Republic to the Gabonese Republic (with protocols, annex and exchange of letters). Signed at Paris on 12 February 1974

Authentic text: French.

Registered by France on 10 April 1990.

Termination (*Note by the Secretariat*)

**FRANCE
et
GABON**

Convention relative au concours en personnel apporté par la République française à la République gabonaise (avec protocoles, annexe et échange de lettres). Signée à Paris le 12 février 1974

Texte authentique : français.

Enregistrée par la France le 10 avril 1990.

Abrogation (*Note du Secrétariat*)

[TRANSLATION — TRADUCTION]

CONVENTION¹ CONCERNING PERSONNEL ASSISTANCE PROVIDED BY THE FRENCH REPUBLIC TO THE GABONESE REPUBLIC

The Government of the French Republic and
The Government of the Gabonese Republic,
Conscious of the bonds of friendship and solidarity between them,
Desiring to promote the full development of those bonds in a spirit of cooperation and mutual understanding,
Wishing to ensure the best possible functioning of the public services of the Gabonese Republic,
Have agreed as follows:

Article I

The Government of the French Republic shall, as far as possible, second to the Government of the Gabonese Republic, at its request, the personnel which the latter Government deems necessary for the operation of the public services provided in its territory and under its jurisdiction; the provision of such personnel shall be independent of any assistance supplied under particular conventions, relating either to the operation of certain services or institutions, or to the execution of temporary missions with specific objectives.

PART I

TERMS AND CONDITIONS OF THE ASSISTANCE
PROVIDED BY THE FRENCH REPUBLIC

Article II

The two Governments shall draw up by agreement a list of posts that may be held by personnel seconded to the Gabonese Republic by the French Republic. The agreement may be reviewed annually.

Each post that the Government of the Gabonese Republic intends to fill in this way shall be provided with a description setting forth the functions and qualifications of the French cooperation official assigned to it.

Within the limits of the staff numbers and posts thus agreed on, the Government of the French Republic shall second to the Government of the Gabonese Republic such of its personnel as it can release. Such personnel shall be seconded for a term of two years, renewable once, in principle, according to the needs of the Gabonese Government.

¹ Came into force on 28 October 1980, the date of the notification of the last approval, in accordance with article XIX.

In the event of premature termination of service, the Government of the French Republic shall, at the request of the Gabonese Government and to the extent feasible, take steps to replace the outgoing personnel.

Article III

In the context of the agreements, including cultural agreements, concluded between the two Governments, and in order to expedite the process of replacing French cooperation officials with Gabonese nationals, the Government of the French Republic shall, to the greatest extent possible, facilitate the training and development in French institutions of the civil servants and national officials nominated by the Government of the Gabonese Republic.

Article IV

In order to fill the posts mentioned in article II, the Government of the French Republic shall submit to the Government of the Gabonese Republic the candidacies of the personnel it plans to second to the latter. It shall supply, for each candidate, a personnel file including, as appropriate, a curriculum vitae and notes and evaluations for the last three years of professional practice.

Once the proposed candidacies are received, the Government of the Gabonese Republic shall have two months in which to convey its decision of acceptance or rejection of the proposed candidates.

Once that time-limit has expired, or in the event of rejection, the personnel not accepted shall revert to the jurisdiction of the Government of the French Republic.

Should the candidates be accepted, the Government of the French Republic shall proceed with the secondment of the cooperation official, first notifying the Gabonese authorities concerned.

Should the candidates be rejected, the Government of the French Republic shall, in so far as possible, submit new nominations, which may be accepted or rejected on the same terms as set forth above.

Article V

[Accepted candidates shall be appointed by decision of the competent authority of the Gabonese Republic from the date of their arrival in the territory of that State.]¹

Any transfer contemplated by the Government of the Gabonese Republic of personnel covered by this Convention which would result in a change in the level or nature of the post to which they have been appointed shall be the subject of consultations with the Embassy of France at Libreville (Mission for Aid and Cooperation).

Article VI

The Government of the Gabonese Republic shall keep the Embassy of France at Libreville (Mission for Aid and Cooperation) regularly informed of any measure, of whatever kind, affecting the personnel seconded to it.

¹ The text within brackets has been reproduced as submitted.

Article VII

The secondment of personnel shall be renewed automatically on expiry of their stay in the Gabonese Republic, unless one of the Contracting Parties has advised the other of its intention to terminate the secondment two months prior to its expiry.

Article VIII

The Government of the Gabonese Republic and the Government of the French Republic reserve the right to terminate the secondment or employment at any time, provided that they notify the other Government and the person concerned simultaneously through the French mission in Gabon giving two months' notice as from the date of the notification.

Under exceptional circumstances and in cases where, in the judgement of either Government, serious difficulties could arise if the person concerned were to be kept on, the Government of the French Republic and the Government of the Gabonese Republic may dispense with the notice requirement.

Reasons must be given for the decision.

Two months' notice must also be given, as from the date of the simultaneous notification of the Gabonese and French Governments, where the secondment is terminated at the cooperation official's request and initiative.

In no case may the two months' notice be given by the official during the period of annual leave. In the event of non-compliance with the provisions of this paragraph, the French Government undertakes to take steps to provide, within two months, a replacement for the outgoing official.

Where the secondment is terminated prematurely pursuant to a decision of the Government of the Gabonese Republic through no fault of the person concerned, and where his assignment has been of insufficient duration to entitle him to repatriation, all expenses relating to his return journey shall, under French regulations, be borne by the Gabonese Republic.

Where the secondment is terminated under the circumstances outlined in the preceding paragraph but through the fault of the person concerned, all expenses related to his return journey shall be borne by the French Republic.

Where the secondment is terminated under the same circumstances but through the refusal of the person concerned to accept a transfer, responsibility for the cost of the return journey shall be determined by agreement between the Government of the Gabonese Republic and the Embassy of France in Gabon.

Article IX

Evacuation of the cooperation official for health reasons, convalescent leave and extended leave granted to him outside the territory of the Gabonese Republic shall terminate his secondment.

The same shall also apply to sick leave involving repatriation.

The costs of repatriation or medical evacuation shall be borne by the French Republic.

PART II

MUTUAL OBLIGATIONS OF GOVERNMENTS AND OFFICIALS

Article X

Personnel on secondment to the Government of the Gabonese Republic under this Convention shall carry out their duties under the authority of that Government and shall be obliged to comply with its regulations and instructions.

They are bound by the obligation to exercise professional discretion concerning all facts and information that come to their knowledge in or during the performance of their duties.

They shall refrain from any act which might embarrass either the Government of the French Republic or the Government of the Gabonese Republic.

The two Governments shall also refrain from requiring of the officials covered by this Convention any act or manifestation not connected with their duties.

In the performance of their duties, personnel covered by this Convention shall receive assistance and protection from the Government of the Gabonese Republic.

They shall be entitled to import their personal effects duty free in accordance with the customs regulations in effect in Gabon.

Article XI

Personnel assigned to the Gabonese Republic may not engage in any gainful activity, as defined in the general statute governing them. As an exceptional measure, and when warranted by the general interest, this prohibition may be waived by joint decision of the two Governments.

Where the spouse of an official on secondment to the Gabonese Republic wishes to engage in gainful activity in the territory of that State, the official must make a prior declaration to that effect to the Government of the Gabonese Republic and to that of the French Republic, both of which may, by mutual agreement, take such measures as will safeguard the interests of the service.

Article XII

The Government of the Gabonese Republic shall forward to the Government of the French Republic, through the French representation in Gabon, evaluations and notes on the way in which the personnel on secondment to it under this Convention have performed their duties, following the timetable laid down by the regulations of the French Republic, the said notes and evaluations being prepared by the competent Gabonese authorities.

As an exceptional measure, a reassignment for the needs of the service may be decided on by the Government of the Gabonese Republic following consultation with the official involved. The French representation (Mission for Aid and Cooperation) shall be informed of any such decision.

Article XIII

In the event of professional misconduct on the part of an official seconded to the Government of the Gabonese Republic by the Government of the French Re-

public, a report shall be drawn up by the Gabonese authorities setting out the nature and circumstances of the misconduct.

The said report, accompanied where necessary by a written request for explanation addressed to the person concerned and the latter's reply, together with any other pertinent information, shall be conveyed to the Government of the French Republic; it may optionally include a request for penalty. The Government of the French Republic shall keep the Government of the Gabonese Republic informed of the progress of any such request.

PART III

FINANCIAL TERMS AND CONDITIONS

Article XIV

The French Republic shall be directly responsible for paying the salary of the officials or personnel seconded to the Gabonese Republic under this Convention.

The Gabonese Republic undertakes to pay, for each of the officials concerned and for the duration of their secondment, a lump sum contribution to their remuneration. The rate and payment modalities of this contribution shall be determined by a separate agreement.

Article XV

The Government of the French Republic shall also bear the cost of:

Transport of the personnel seconded to the Gabonese Republic and their families from their place of residence to the point of entry into Gabon, and — subject to the provisions of article VIII above — at the time of repatriation, from the point of exit from the Gabonese Republic to the point specified, in so far as they are concerned, by the regulations in force in the French Republic;

The travel allowances applicable to the above journeys, subject to the same reservation;

The contribution necessary to establish the pension rights of the personnel concerned in accordance with the rates in force under the regulations of the French Republic.

Article XVI

The Gabonese Republic shall provide the personnel in question with the benefits in kind attaching to the posts specified in the letters of appointment, in accordance with prevailing standards in Gabon. The cost of housing and furnishings for cooperation officials shall be borne by the Gabonese Government.

In this area, the Government of the French Republic shall seek appropriate means to assist the Government of the Gabonese Republic.

These officials shall, in particular, be provided with medical care, medications and hospitalization for themselves and their families on the same terms as permanent civil servants of the Government of the Gabonese Republic.

Except for special post allowances, reimbursement of expenses, compensation for overtime or special assignments, travel expenses and allowances for which provision is made in the regulations of the Gabonese Republic, the Government of the

Gabonese Republic shall not grant the officials covered by this Convention any special remuneration.

Article XVII

The personnel seconded to the Government of the Gabonese Republic by the Government of the French Republic shall, as regards income earned for technical cooperation, be subject to customary Gabonese tax law on the basis of a tax liability calculated according to the provisions set out in the annex to this Convention.

PART IV

GENERAL PROVISIONS

Article XVIII

The terms and conditions for the implementation of this Convention shall be established as necessary by agreements between the two Governments or their duly authorized representatives.

Supplementary conventions may be concluded to cover personnel in certain categories or groups of categories according to their particular status or the particular functions they may be called upon to perform in the Gabonese Republic.

The Embassy of France at Libreville may study, together with the Government of the Gabonese Republic, any particular problems that may arise out of the implementation of this Convention.

It shall be provided with all documents addressed by the Government of the Gabonese Republic to the Government of the French Republic relating to the personnel covered by this Convention.

The conditions under which all or part of the provisions of this Convention will be applied to the personnel of French organizations carrying out cooperation missions in Gabon pursuant to particular agreements shall be determined in exchanges of letters.

Article XIX

This Convention, which shall enter into force on the date of notification of the last approval, may be denounced on six months' notice.

DONE at Paris on 12 February 1974 in duplicate 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 Gabonese Republic:

[Signed]

GEORGES RAWIRI
Minister of State
attached to the Presidency
of the Gabonese Republic,
in charge of Foreign Affairs
and Cooperation

PROTOCOL ON THE IMPLEMENTATION OF ARTICLE XIV OF THE CONVENTION CONCERNING PERSONNEL ASSISTANCE PROVIDED BY THE FRENCH REPUBLIC TO THE GABONESE REPUBLIC

The Government of the French Republic and the Government of the Gabonese Republic have agreed as follows:

Article I

Pursuant to the provisions set forth in article XIV of the Convention concerning personnel assistance provided by the French Republic to the Gabonese Republic, the Government of the Gabonese Republic undertakes to pay, as of the date of entry into force of the Convention concerning personnel assistance provided by the French Republic to the Gabonese Republic, as a contribution to all the costs set forth in article XIV for each of the officials concerned and for the duration of their assignment, including the duration of their statutory administrative leave following the completed tour of duty, a fixed monthly contribution of fifty thousand francs CFA (FCFA 50,000) or one thousand French francs (FF 1,000). The amount of the allowance may be revised by agreement at the request of either Government.

Article II

A statement of monies due, drawn up on the basis of staff strength as of 1 January, including personnel in service or on statutory leave, shall be issued by the Government of the French Republic and shall cover the period from 1 January to 30 November.

The amount specified in that statement shall be paid by the Government of the Gabonese Republic before 1 December.

The statement of monies due for the month of December shall reflect any adjustments to take into account the actual staff strength between 1 January and 30 November.

Payment in respect of the statement of monies due for the month of December shall be made before 31 March of the following year.

Article III

This Protocol shall enter into force on the same day as the Convention concerning personnel assistance provided by the French Republic to the Gabonese Republic.

DONE at Paris on 12 February 1974 in duplicate 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 Gabonese Republic:

[Signed]

GEORGES RAWIRI
Minister of State
attached to the Presidency
of the Gabonese Republic,
in charge of Foreign Affairs
and Cooperation

ANNEX I CONCERNING THE IMPLEMENTATION OF ARTICLE XVII
OF THE CONVENTION CONCERNING PERSONNEL ASSISTANCE

In accordance with the provisions now in force, tax owed by French technical assistance personnel whose remuneration is set by contract shall continue to be based, excluding any supplements, indexed increases or family allowances, on:

- Remuneration during their stay in Gabon, except for any part of that remuneration resulting from the implementation of wage indexing; and
- All remuneration for leave following their stay in Gabonese territory.

The gross taxable income thus defined must still be reduced by the amount of any deductions made from the officials' pay and contributions made on their behalf to the social security system and pension fund and by the 40 per cent abatement provided for under Gabonese law.

Personnel whose remuneration is not set by contract are taxable on a basis established by analogy with the rules mentioned above, that is, with respect to their stay in Gabon, on a gross fraction of their total remuneration, including the mission allowance, which is determined by the ratio 1/N where N represents the wage index in force during the relevant period.

The Government of the French Republic shall annually report to the Government of the Gabonese Republic the gross taxable income as defined above.

DONE at Paris on 12 February 1974 in duplicate 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 Gabonese Republic:

[*Signed*]

GEORGES RAWIRI
Minister of State
attached to the Presidency
of the Gabonese Republic,
in charge of Foreign Affairs
and Cooperation

ANNEXED PROTOCOL CONCERNING TEACHING
PERSONNEL ASSISTANCE

Article I

The list of requirements in respect of French teaching personnel at the primary, secondary and technical levels shall be submitted by the Gabonese authorities to the French authorities before 1 February each year with a view to their being seconded in good time. The list of requirements for higher-level teaching personnel shall be prepared each year by the Joint Committee on Higher Education.

Article II

Such personnel shall be appointed by decision of the authorities of the Gabonese Republic for a term of two consecutive academic years, renewable automatically up to a total of six years.

Article III

The number of service hours required per week of the teaching personnel seconded to the Government of the Gabonese Republic by the Government of the French Republic shall be those in force under Gabonese regulations for personnel of the equivalent category on the date their contract was signed.

Any change in those regulations shall be communicated to the Government of the French Republic, together with the list of requirements in respect of teaching personnel; no such change may be applied to teaching personnel during their contract without their consent.

Article IV

Teaching personnel seconded to the Government of the Gabonese Republic by the Government of the French Republic shall enjoy annual leave coinciding with the end-of-school holidays as set by the Gabonese authorities, except that the duration of such leave shall not be less than 70 days, travel time included. The annual leave of administrative staff may be reduced to a minimum of 60 days, travel time included, and shall be set by the Government of the Gabonese Republic in accordance with the needs of the service.

DONE at Paris on 12 February 1974 in duplicate 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 Gabonese Republic:

[Signed]

GEORGES RAWIRI
Minister of State
attached to the Presidency
of the Gabonese Republic,
in charge of Foreign Affairs
and Cooperation

EXCHANGE OF LETTERS

I

Paris, 12 February 1974

Sir,

Article XVIII of the general Convention concerning personnel assistance provided by the French Republic to the Gabonese Republic, which was signed on 12 February 1974, provides for annexes relating to the different personnel categories.

With respect to two of these categories — magistrates and Army health service workers — the earlier provisions remain temporarily in effect pending the conclusion, which should take no more than three months, of negotiations on their adaptation.

Kindly advise me whether the French Government accepts these provisions.

Accept, Sir, etc.

[Signed]

GEORGES RAWIRI
Minister of State
attached to the Presidency
of the Gabonese Republic,
in charge of Foreign Affairs
and Cooperation

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

II

Paris, 12 February 1974

Sir,

On 12 February 1974 you sent me a letter 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 contained in this letter.

Accept, Sir, the assurances of my highest consideration.

[*Signed*]

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

Mr. Georges Rawiri
Minister of State
attached to the Presidency
of the Gabonese Republic,
in charge of Foreign Affairs
and Cooperation

TERMINATION (*Note by the Secretariat*)

The Government of France registered on 1 May 1989 the Convention concerning the provision of personnel by the French Republic to the Gabonese Republic signed at Libreville on 1 April 1984.¹

The said Convention, which came into force on 22 September 1988, provides, in its article 25, for the termination of the Convention of 12 February 1974 concerning personnel assistance provided by the French Republic to the Gabonese Republic.²

(10 April 1990)

¹United Nations, *Treaty Series*, vol. 1530, No. I-26547.

²See p. 226 of this volume.