

No. 7645

**CANADA
and
GHANA**

**Technical Assistance Agreement on military training (with
schedules). Signed at Accra, on 8 January 1962**

Official text: English.

Registered by Canada on 25 March 1965.

**CANADA
et
GHANA**

**Accord d'assistance technique concernant l'instruction mili-
taire (avec tableaux). Signé à Accra, le 8 janvier 1962**

Texte officiel anglais.

Enregistré par le Canada le 25 mars 1965.

No. 7645. TECHNICAL ASSISTANCE AGREEMENT¹ ON
MILITARY TRAINING BETWEEN THE GOVERNMENT
OF CANADA AND THE GOVERNMENT OF THE RE-
PUBLIC OF GHANA. SIGNED AT ACCRA, ON 8 JANU-
ARY 1962

The Government of Canada and the Government of Ghana,

Considering that the Government of Ghana has requested the Govern-
ment of Canada to provide up to thirty officers and men of the Canadian Forces
to serve with the Armed Forces of Ghana for training purposes;

Have agreed as follows :

PART I

GENERAL

Article I
(Definitions)

1. In this Agreement

- (a) "Canadian Armed Forces Training Team" means the element of the Canadian Forces present in the territory of Ghana under this Agreement;
- (b) "Canadian Armed Forces Liaison Officer" means the senior officer designated by Canada to command the Canadian Armed Forces Training Team made available to the Armed Forces of Ghana;
- (c) "member" means a member of the Canadian Armed Forces Training Team;
- (d) "dependent" means a person depending on a member for support;
- (e) "military authorities of Canada" means those authorities of Canada who are empowered by the law of Canada to enforce the military law of Canada;
- (f) "official duty" includes any act done by a member in the course of his service in Ghana pursuant to this Agreement whether the order, instruction or direction under which he acts is given by a Canadian or Ghanaian superior officer; and
- (g) "residential service" means service performed by a member in Ghana.

¹ Came into force on 8 January 1962, upon signature, and deemed effective from 1 September 1961, in accordance with article XXXII.

*Article II**(Composition and Purpose of Team)*

2. The Government of Canada shall make available to the Government of Ghana the services of the Canadian Armed Forces Training Team, under the command of the Canadian Armed Forces Liaison Officer, consisting of not more than thirty officers and men to assist the military authorities of Ghana in the training of the Armed Forces of Ghana on the terms and conditions hereinafter provided.

*Article III**(Command, etc.)*

3. Without derogating from his status as a member of the Canadian Forces, a member shall, in relation to the Armed Forces of Ghana, be treated and have over members of the Armed Forces of Ghana the like powers of command as if he were a member of the Armed Forces of Ghana and shall obey an order or instruction given by an officer of the Armed Forces of Ghana of superior relative rank provided that such order or instruction is consistent with his duties under this Agreement and Canadian military law and would, if given pursuant to such military law, constitute a lawful command.

4. Members, having been made available for training purposes, shall not be employed in connection with other activities except with the approval of the Canadian Armed Forces Liaison Officer and, in particular,

- (a) shall not participate directly in aid of the civil power or in any form of combat operation either in or out of Ghana;
- (b) shall not perform any function, duty or act that is incompatible or inconsistent with their oaths of allegiance to Her Majesty, Queen Elizabeth the Second of Canada, or inconsistent with the purpose of this Agreement; and
- (c) shall be governed by the military law of Canada.

5. Members shall take precedence over members of the Armed Forces of Ghana of relative rank according to their respective dates of appointment to their rank.

PART II

STATUS

*Article IV**(Observance of Local Law)*

6. It is the duty of the Canadian Armed Forces Training Team and members to respect the law of Ghana and to abstain from any activity inconsistent

with the spirit of this Agreement, and, in particular, to abstain from any political activity in Ghana. It is also the duty of Canada to take necessary measures to that end.

Article V
(*Jurisdiction*)

7. Subject to this Article,

- (a) the military authorities of Canada shall have the right to exercise within Ghana all criminal and disciplinary jurisdiction conferred on them by the law of Canada over all persons subject to Canadian military law; and
- (b) the authorities of Ghana shall have jurisdiction over members and their dependents with respect to offences committed within the territory of Ghana and punishable by the law of Ghana.

8. (a) The military authorities of Canada shall have the right to exercise exclusive jurisdiction over persons subject to the military law of Canada with respect to offences punishable by the law of Canada, but not by the law of Ghana.

(b) The authorities of Ghana shall have the right to exercise exclusive jurisdiction over members and their dependents with respect to offences punishable by its law but not by the law of Canada.

9. In cases where the right to exercise jurisdiction is concurrent, the following rules shall apply :

(a) The military authorities of Canada shall have the primary right to exercise jurisdiction over a person subject to the military law of Canada in relation to

- (i) offences solely against the property or security of Canada, or offences solely against the person or property of a member or of a dependent; and
- (ii) offences arising out of any act done or omission to do anything in the performance of official duty.

(b) In the case of any other offence, the authorities of Ghana shall have the primary right to exercise jurisdiction.

(c) If the Government having the primary right decides not to exercise jurisdiction, it shall notify the other Government as soon as practical. The authorities of the Government having the primary right shall give sympathetic consideration to a request from the authorities of the other Government for a waiver of its right in cases where that other Government considers such waiver to be of particular importance.

10. The foregoing provisions of the Article shall not imply any right for the military authorities of Canada to exercise jurisdiction over persons who

are nationals of or ordinarily resident in Ghana unless they are persons subject to the military law of Canada.

11. (a) The authorities of Ghana and Canada shall assist each other in the arrest of members of their dependents in the territory of Ghana and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) A member may exercise in respect of members of the Armed Forces of Ghana powers of arrest as if he were a member of the Armed Forces of Ghana of relative rank.

(c) A member of the Armed Forces of Ghana may exercise in respect of members, powers of arrest as if he were a member of the Canadian Forces of relative rank but any member so arrested shall be handed over to the military authorities of Canada for custody.

(d) The civil authorities of Ghana shall notify promptly the military authorities of Canada of the arrest of any member or dependent.

(e) An accused member over whom Ghana is to exercise jurisdiction shall, if he is in the custody of the military authorities of Canada, remain in Canadian custody until he is charged by Ghana.

12. (a) The authorities of Ghana and Canada shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of Canada and Ghana shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

13. (a) A death sentence shall not be carried out in Ghana by the authorities of Canada if the legislation of Ghana does not provide for such punishment in a similar case.

(b) The authorities of Ghana shall give sympathetic consideration to a request from the authorities of Canada for assistance in carrying out a sentence of imprisonment pronounced by the authorities of Canada under this Article within the territory of Ghana.

14. Where an accused has been tried in accordance with this Article by the authorities of either Canada or Ghana and has been acquitted or convicted, he may not be tried again for the same offence within Ghana by the authorities of the other. Nothing in this paragraph shall prevent the military authorities of Canada from trying a member for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of Ghana.