

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-