

No. 27608

**FRANCE
and
BURKINA FASO**

**Agreement on technical cooperation in personnel matters
(with annexes). Signed at Paris on 4 February 1986**

Authentic text: French.

Registered by France on 30 October 1990.

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et
BURKINA FASO**

**Accord de coopération technique en matière de personnel
(avec annexes). Signé à Paris le 4 février 1986**

Texte authentique : français.

Enregistré par la France le 30 octobre 1990.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON TECHNICAL COOPERATION IN PERSONNEL MATTERS BETWEEN THE FRENCH REPUBLIC AND BURKINA FASO

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

Article 1

The two Governments reaffirm their desire to cooperate in personnel matters.

Article 2

With reference to article 1 of the General Agreement on Cooperation between the French Republic and Burkina Faso,² the two Governments decide to organize their cooperation in personnel matters through projects or programmes which shall focus on defining objectives, determining the procedures to be established and drawing up implementation schedules.

Each Government shall, as far as possible, make available to the other the personnel which the latter considers necessary for the attainment of those objectives.

The provision of such assistance shall be independent of any assistance forming the subject of particular conventions relating either to the operation of certain services or institutions, or to the execution of temporary missions with specific objectives.

Article 3

In accordance with the agreements concluded between the two Governments, each Party shall, as far as possible, facilitate the training or advanced training of such personnel in the public and private sectors as may be presented by the other Party.

Article 4

Each Government shall, as the need arises, transmit to the other a list of the posts to which it wishes to assign personnel made available to it, to be held by such personnel for a period of two years.

Each Government may submit to the other Government requests naming officials whom it wishes to be made available to it.

Article 5

Each Government shall inform the other of the names, titles and qualifications of the officials whom it intends to make available to the requesting Party.

¹ Came into force on 14 February 1990, the date of receipt of the last of the notifications (of 21 August 1989 and 5 February 1990) by which the Parties informed each other of the completion of the constitutional provisions, in accordance with article 26.

² United Nations, *Treaty Series*, vol. 782, p. 171.

On receipt of the candidatures, the requesting Party shall have a period of up to two months in which to accept or reject them.

Once that time-limit has expired, or in the event of rejection, the personnel who have not been accepted shall revert to the jurisdiction of the Government concerned.

In the event of rejection, and to the extent possible, new proposals may be submitted in accordance with the conditions set forth above.

Article 6

The notification of acceptance of any candidate must indicate the nature of the employment offered and the possible duty station or stations, which may not be more than two.

Each recipient Government may, with the approval of the other, change the duty station of the accepted candidate when the exigencies of the service so require.

The appointment of accepted candidates shall be announced by decision of the competent authority of either Party for a duration of two years as from the date of arrival of the officials concerned in the territory of the other Party.

Any transfer of personnel covered by this Agreement which would result in a change in the level or nature of the post to which they have been appointed by virtue of article 5 above shall be the subject of consultations between the two Governments and shall require the consent of the officials concerned.

Article 7

The period of assignment shall normally be for two years; it shall include the tour of duty in the receiving country and the corresponding leave entitlement.

The tour of duty may be extended in the manner prescribed in the statutes to which the persons concerned are subject, unless the competent medical authorities advise otherwise, by a simple exchange of letters between the Contracting Parties at least one month before the expiry of the normal term.

Any extension for a period of more than four months shall require the consent of the officials concerned.

On the expiry of the tour of duty and the corresponding leave entitlement, personnel shall automatically revert to the jurisdiction of their country of origin.

Article 8

Officials shall be entitled to the annual official leave to which they are entitled under the statutes to which they are subject in their country of origin.

Teaching personnel shall be entitled to annual leave during the vacations at the end of school year, as determined by the regulations of the receiving State. The duration of such annual leave may not, however be less than 70 consecutive days, in the case of officials with teaching responsibilities, or than that established by the general regulations referred to in the first paragraph of this article, in the case of officials with administrative responsibilities. Such leave shall be determined by the Government of the receiving State in accordance with the requirements of the service.

Article 9

The weekly hours of work required of the teaching personnel made available by one Government to the other shall be those applicable under the regulations of the latter Government to personnel of the equivalent category on the date on which they sign their contract.

Any change in those regulations shall be reported to the Government providing the teaching personnel; such changes may not be applied to teaching personnel currently under contract without their consent or the agreement of the two Governments.

Article 10

The two Governments reserve the right to terminate the assignment or the post at any time provided that they notify the Government and the persons concerned simultaneously, through the diplomatic channel, giving one month's notice from the date of such notification, subject to the provisions of article 11.

Where the assignment is terminated prematurely by decision of either Government, all expenses connected with the return passage shall be borne by the Government which took the decision.

Such termination of assignment shall not preclude replacement of the officials concerned in the manner prescribed in article 12 below.

If the early return is at the express request of the personnel concerned, the resulting expenses shall not be borne by the receiving country.

Article 11

Subject to the provisions of article 7 above, the granting of official leave to personnel during their assignment shall not terminate such assignment.

If, however, either Government does not intend to use the services of the officials concerned during the unexpired period of assignment following such leave, it shall notify them thereof at least two months before their departure on leave. A copy of the notification shall be addressed to the other Government through the diplomatic channel.

Decisions granting leave shall be taken by the Government of the country of origin of the official following consultations with the competent authorities of the Government of the receiving country.

The transport costs shall be borne by the Government of the country of origin following the procedure set forth in article 19 below.

For certain posts, a list of which shall be drawn up by agreement between the two Governments and the occupants of which shall be designated by name by an exchange of letters, each Party shall be free to arrange leave in accordance with the interests of the service, provided the statutory rights of the officials concerned in the matter are respected.

In that event, the provisions of the third paragraph of article 19 below shall apply only in respect of the travel of technical cooperation personnel at the time of and following the actual tour of duty specified in their statutes.

Evacuation of technical cooperation personnel for health reasons, convalescent leaves and extended leave granted outside the territory of each Government to the

personnel concerned shall terminate the assignment. The same shall apply in the case of sick leave involving repatriation.

Article 12

In the event of termination of service, for whatever reason, the Government concerned shall make the necessary arrangements to provide replacements for the outgoing personnel.

Article 13

Technical cooperation personnel covered by this Agreement shall carry out their duties under the authority of the Government of the receiving country and shall be obliged to comply with its regulations and instructions.

They shall be bound by the obligation to exercise professional discretion in all matters relating to facts or information of which they have knowledge in the performance of their duties.

They shall refrain from any act that may be detrimental to either the Government of the French Republic or the Government of Burkina Faso.

The two Governments for their part undertake not to require of personnel covered by the Agreement any act or manifestation of a character alien to the service.

In the performance of their duties, personnel to whom this Agreement applies shall receive aid and protection from the Government of Burkina Faso and the Government of the French Republic.

Article 14

Technical cooperation personnel made available to each Government may not engage in any gainful activity other than those authorized by their statutes in so far as the provisions thereof are compatible with the legislation of the Contracting Parties. When the spouse of an official assigned to a Government wishes to engage in any private gainful activity in the territory of that State, the official must make a prior request to that effect to that Government, which shall take a decision once it has received notification [of approval] from the other Party; the latter shall be informed of the decision taken.

Article 15

Each Government shall, at the regular intervals established under the regulations of the two Contracting States, forward to the other through the diplomatic channel reports on the manner in which the personnel made available to it under this Agreement are performing their duties. This report shall be included in the official reports on the persons concerned.

Article 16

In the case of professional misconduct, officials made available to either Government under this Agreement shall be returned to their State of origin, accompanied by a report specifying the nature and circumstances of the imputed facts.

The provisions of this article shall not preclude application by each Government of the disciplinary procedure provided for in the statutes to which the officials concerned are subject.