

No. 52249*

**United Nations
and
France**

Technical Agreement between the United Nations, represented by the Department of Peacekeeping Operations, and the Minister of Defense of the French Republic concerning operational support to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) by the French Forces within the framework of Security Council Resolution 2149 (2014). New York, 3 October 2014

Entry into force: 3 October 2014 by signature, in accordance with article 11

Authentic texts: *English and French*

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**Organisation des Nations Unies
et
France**

Accord technique entre l'Organisation des Nations Unies, représentée par le Département des opérations de maintien de la paix, et le Ministre de la défense de la République française concernant l'appui opérationnel des forces françaises à la Mission multidimensionnelle intégrée des Nations Unies pour la stabilisation en République centrafricaine (MINUSCA) dans le cadre de la résolution 2149 (2014) du Conseil de sécurité. New York, 3 octobre 2014

Entrée en vigueur : 3 octobre 2014 par signature, conformément à l'article 11

Textes authentiques : *anglais et français*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**TECHNICAL AGREEMENT
BETWEEN
THE UNITED NATIONS,
REPRESENTED BY THE DEPARTMENT OF PEACEKEEPING OPERATIONS,
AND
THE MINISTER OF DEFENSE OF THE FRENCH REPUBLIC
CONCERNING
OPERATIONAL SUPPORT TO THE UNITED NATIONS
MULTIDIMENSIONAL INTEGRATED STABILIZATION MISSION IN THE
CENTRAL AFRICAN REPUBLIC (MINUSCA) BY THE FRENCH FORCES
WITHIN THE FRAMEWORK OF SECURITY COUNCIL RESOLUTION 2149 (2014)**

1. Preamble

The United Nations Security Council established the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) in its resolution 2149 (2014) to carry out the mandate in operative paragraphs 30 and 31 as well as 40 thereof;

Acting under Chapter VII of the Charter of the United Nations, the Security Council authorized MINUSCA to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment;

The Security Council in operative paragraph 47 of resolution 2149 (2014) also authorized the French forces, within the limits of their capacities and areas of deployment, from the commencement of the activities of MINUSCA until the end of MINUSCA's mandate, to use all necessary means to provide operational support to elements of MINUSCA from the date of adoption of this resolution, at the request of the Secretary-General and requested France to report to the Council on the implementation of this mandate as of 15 September 2014 and to coordinate its reporting with that of the Secretary-General referred to in paragraph 40 of this resolution;

MINUSCA and the French forces shall respect the relevant rules and principles of international humanitarian, human rights and refugee law.

Further to resolution 2149 (2014), the United Nations, represented by the Department of Peacekeeping Operations, and the Minister of Defense of the French Republic, hereinafter referred to as the "Parties", hereby agree as follows.

2. Definitions

"MINUSCA" means the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, established in accordance with Security Council resolution 2149 (2014) ;

- “Force Commander” means the MINUSCA Force Commander who functions under the overall authority of the Special Representative of the Secretary-General (Special Representative) for the Central African Republic and Head of Mission of MINUSCA as defined in Security Council resolution 2149 (2014), including with respect to requests for the support of the French forces under this technical agreement.
- “Police Commissioner” means the MINUSCA Police Commissioner who functions under the overall authority of the Special Representative of the Secretary-General (Special Representative) for the Central African Republic and Head of Mission of MINUSCA as defined in Security Council resolution 2149 (2014), including with respect to requests for the support of the French forces under this technical agreement.
- “Members of MINUSCA” means the Special Representative and any member of the military, police or civilian components;
- “Elements of MINUSCA” means all components and members of MINUSCA as well as UN personnel in the Central African Republic contributing to MINUSCA’s mandate;
- “French forces” means the French forces referred to in operative paragraph 47 of Security Council resolution 2149 (2014) including those French forces involved in Operation Sangaris;
- “Areas of deployment” mean the areas of operations of the French forces in the Central African Republic.

3. Purpose

The purpose of this technical agreement (TA) is to establish and define the necessary provisions between MINUSCA and the French forces regarding the operational support by the French forces to elements of MINUSCA in the framework of operative paragraph 47 of Security Council resolution 2149 (2014).

4. Operational responsibilities and support

4.1 In the framework of operative paragraph 47 of Security Council resolution 2149 (2014), the Secretary General, as delegated to the Special Representative, the Force Commander, and the Police Commissioner may request the French forces to use all necessary means to provide operational support to elements of MINUSCA as described in paragraphs 4.2 through 4.5 below.

4.2 Before requesting French forces assistance, MINUSCA shall first seek to utilize its own capacities and resources prior to seeking the support of the French forces.

4.3 In accordance with the provision of this TA and in the framework of operative paragraph 47 of Security Council resolution 2149 (2014), the French forces would intervene in the following circumstances:

4.3.1 Where there is clear indication of an imminent and serious threat to MINUSCA elements, premises, or property;

4.3.2 Any other circumstance where it is mutually agreed that there is an imminent and serious threat to MINUSCA elements;

4.3.3 Where it is mutually agreed that the operational support of the French forces is necessary to enable MINUSCA to carry out its mandate including the urgent temporary measures mentioned in operative paragraph 40 of Security Council resolution 2149 (2014).

4.4 The French forces shall provide the requested operational support subject to the limits of their capacities and areas of deployment.

4.5 This operational support shall include the following:

4.5.1 Provide direct or indirect, ground or air, support;

4.5.2 In case of emergency, provide tactical medical evacuation of elements of MINUSCA and related medical interventions;

4.5.3 Provide emergency evacuation of isolated MINUSCA elements endangered by a serious and imminent threat;

4.5.4 Sharing of intelligence and intelligence products.

4.6 MINUSCA may also assist the French forces, upon their request and when mutually agreed, subject to MINUSCA's mandate and within its capabilities and areas of deployment.

5. Operational command and control

5.1 MINUSCA, including any French contingents or any French formed police units (FPUs) thereof, shall not place any of its elements under the command and control of the French forces; shall at all times remain under unified United Nations command and control; and shall operate under its own rules of engagement and directives on the use of force as issued by the Under-Secretary-General of the Department of Peacekeeping Operations.

5.2 The French forces shall not place any of its elements under the command and control of MINUSCA, excluding those French contingents or FPUs pursuant to specific arrangements between MINUSCA and France as a Troop or Police Contributing Country; shall at all times remain under the French command structure; and shall operate under their own rules of engagement as per national law.

6. Planning, coordination and liaison

6.1 MINUSCA and the French forces shall coordinate and de-conflict their operations, including with respect to supporting operations of the armed forces of the Central African Republic.

6.2 MINUSCA and the French forces shall implement liaison arrangements, to facilitate exchange of information, communication, and coordination between them, and for the following specific purposes:

6.2.1 To establish appropriate mechanisms for the sharing of intelligence and intelligence products in order to maintain operational and situational awareness of imminent or emerging threats;

6.2.2 To anticipate security developments that might affect their respective safety and ability to conduct operations;

6.2.3 To facilitate coordination of activities between MINUSCA and the French forces, while ensuring de-confliction of such potential operations.

7. Financial Provisions

The operational support provided by the French forces in paragraphs 4.5.2 and 4.5.3 and the support provided by MINUSCA in paragraph 4.6 above shall be reimbursed, as detailed in a separate arrangement to be concluded at the same time as the present Technical Agreement.

8. Claims

8.1 Each Party shall be liable for, and be responsible for dealing, and will hold the other Party harmless, in respect of all claims for injury or death suffered by its personnel and for damage to or loss or destruction of its property, or the property of its personnel, arising out of, or in connection with, the implementation of this TA, except where such injury, death, damage, loss or destruction is due to the negligence, reckless omission, reckless act or willful misconduct of the other Party, its personnel or agents.

8.2 Without prejudice to the international agreements concluded by either the United Nations or the Government of France, each Party shall be responsible for claims brought by third parties for death, personal injury or illness, or for loss or destruction of or damage to third-party property to the extent that such claims arise from or in connection with the acts or omissions of that Party, its personnel or agents.

9. Settlement of disputes

All disputes between the Parties concerning the interpretation or application of the present TA or any supplementary arrangement shall be settled amicably by consultation or negotiation between the Parties.

10. Amendment and supplementary arrangements

10.1 This TA may be amended by mutual written consent of the Parties.

10.2 The Parties may conclude supplementary arrangements not inconsistent with this TA.