



Proposed Defence Agreement

between the Government of the United Kingdom
of Great Britain and Northern Ireland and the
Government of the Federation of Nigeria

*Presented to Parliament by the Secretary of State for Commonwealth Relations
and the Minister of Defence
by Command of Her Majesty
November 1960*

LONDON
HER MAJESTY'S STATIONERY OFFICE

NINEPENCE NET

Cmnd. 1212

**PROPOSED DEFENCE AGREEMENT BETWEEN THE
GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE FEDERATION OF NIGERIA**

A meeting between United Kingdom and Nigerian Ministers was held in London in May, 1960 to discuss the question of entering into an agreement on matters of mutual interest in defence when Nigeria attained independence within the Commonwealth.

Following negotiations agreement has been reached on the terms of a draft Defence Agreement and the Government of the Federation of Nigeria have undertaken to seek endorsement by the Nigerian Federal Parliament of the terms of the draft.

The terms of the draft agreement which consists of 8 Articles and a Status of Forces Annex, are as follows:—

**DRAFT DEFENCE AGREEMENT BETWEEN THE GOVERNMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND AND THE GOVERNMENT
OF THE FEDERATION OF NIGERIA**

Whereas the Federation of Nigeria is fully self-governing and independent within the Commonwealth ;

And whereas the Government of the Federation of Nigeria and the Government of the United Kingdom of Great Britain and Northern Ireland recognise that it is in their common interest to preserve peace and to provide for their mutual defence ;

And whereas the Government of the Federation of Nigeria has now assumed responsibility for the external defence of its territory ;

Now therefore the Government of the Federation of Nigeria and the Government of the United Kingdom of Great Britain and Northern Ireland have agreed as follows :—

ARTICLE I

The Government of the Federation and the United Kingdom Government each undertake to afford to the other such assistance as may be necessary for mutual defence, and to consult together on the measures to be taken jointly or separately to ensure the fullest co-operation between them for this purpose.

ARTICLE II

1. The two Governments will foster the closest co-operation between the armed forces of the two countries. In particular, the United Kingdom Government will, on request, furnish the Government of the Federation to such extent and on such terms as may be agreed between the two Governments with assistance for the training and development of the armed forces of the Federation and other assistance as set out in this Article.

2. The United Kingdom Government will, if so requested by the Government of the Federation, provide personnel to assist in the staffing, administration and training of the armed forces of the Federation.

3. The United Kingdom Government will make available facilities for the training of members of the armed forces of the Federation. In particular places will be made available for officers, cadets and other ranks at training establishments in the United Kingdom, such as the Royal Military College, Sandhurst, the Royal Naval College, Dartmouth, the Mons Officer Cadet School, Aldershot, the Staff College, Camberley, Arms Schools, Arm and Service Schools and other training establishments and on such instructional and specialist training courses as may be necessary. If at some future date the Federation creates an Air Force, the United Kingdom Government will likewise provide training on a similar basis for Federation officers and personnel.

4. The United Kingdom Government will, in consultation with the Government of the Federation, make every effort to ensure for the armed forces of the Federation an adequate supply of such modern weapons (including new types of weapons which may be developed) as may be considered necessary and suitable for the armed forces of the Federation.

5. The United Kingdom Government will, if so requested by the Government of the Federation, consult with the Government of the Federation with a view to making available to that Government any warships which may be required by the Royal Nigerian Navy.

6. The United Kingdom Government will, at the request of the Government of the Federation, make available any expert advice and assistance in operational and technical matters which may be necessary to the armed forces of the Federation. The United Kingdom Government will also provide, if requested by the Government of the Federation, professional and technical advice in the planning of the base installations which are to be constructed for the Royal Nigerian Navy.

7. The United Kingdom Government will pay landing fees for the use of civil airfields in the Federation by the aircraft referred to in Article III of this Agreement (not being aircraft of or under the control of the armed forces of the Federation) at the rate applicable to civil aircraft of comparable size and will reimburse the Government of the Federation any extra expenditure incurred in this connection by the Government of the Federation at the request of the United Kingdom Government for the provision of any supplies, services and facilities additional to those required by the Government of the Federation for its own purposes.

ARTICLE III

The Government of the Federation and the United Kingdom Government each undertake to accord to military aircraft of and aircraft under the control of the armed forces of the other unrestricted overflying and air staging facilities in the Federation and in the United Kingdom and dependent territories respectively.

ARTICLE IV

On request by the United Kingdom Government, the Government of the Federation agrees to make available facilities at Kano and Lagos airfields for the holding of tropicalisation trials of aircraft. Should the Government of the Federation so request, the United Kingdom Government will make available to the Government of the Federation the general results of such trials.

ARTICLE V

The Government of the Federation and the United Kingdom Government will afford each other an adequate opportunity for comment upon any major administrative or legislative proposals which may affect the operation of this Agreement.

ARTICLE VI

The arrangements relating to Status of Forces shall be those contained in the Annex to this Agreement.

ARTICLE VII

In this Agreement :—

“ the Government of the Federation ” means the Government of the Federation of Nigeria ;

“ the United Kingdom Government ” means the Government of the United Kingdom of Great Britain and Northern Ireland ;

“ the two Governments ” means the two Governments above-mentioned ;

“ dependent territories ” means United Kingdom colonies, protectorates and trust territories, but excludes the Federation of Rhodesia and Nyasaland ;

“ the Federation ” means the Federation of Nigeria ;

“ military aircraft ” includes aircraft operating under charter for the purposes of the armed forces of the United Kingdom or the Federation.

ARTICLE VIII

This Agreement shall come into force on the date of

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done at in duplicate, this day of, 196 .

For the Government of the United Kingdom of Great Britain and Northern Ireland,

.....
For the Government of the Federation of Nigeria,

.....

ANNEX

Section 1:

(a) "visiting force" means any body, contingent or detachment of the naval, military or air forces of a Contracting Party being a body, contingent or detachment for the time being present in the territory of the other Contracting Party under the provisions of this Agreement, and shall include any such body, contingent or detachment overflying or staging under the provisions of Article III or engaged in tropicalisation trials under the provisions of Article IV;

"member of a visiting force" shall be interpreted accordingly but shall not include a member of the naval, military or air forces of one Contracting Party for the time being seconded or attached to the naval, military or air forces of the other;

(b) "Service authorities" means the authorities of the naval, military or air forces of a Contracting Party empowered by its law to exercise command or jurisdiction over persons subject to its service law;

(c) "civilian component" means—

(i) civilian personnel accompanying a visiting force of a Contracting Party who are employed in the service of the naval, military or air forces of that contracting party;

(ii) civilian personnel employed by the United Kingdom Government in connection with tropicalisation trials under the provisions of Article IV;

(iii) persons employed by authorised service organisations accompanying a visiting force,

not being stateless persons, nor persons who are citizens of or ordinarily resident in the territory of the Contracting Party in whose territory the visiting force is present;

(d) "authorised service organisations" means non-profit making organisations authorised by either Contracting Party to accompany its visiting force for the purpose of providing amenities for the members of that force, civilian component, or dependants;

(e) "dependant" means:—

(i) the wife or husband of, or

(ii) any other person wholly or mainly maintained by or in the custody, charge or care of

a member of a visiting force or civilian component; but does not include a person ordinarily resident in the territory of the Contracting Party in which the visiting force in question is present.

Section 2

(1) Subject to the provisions of this Section:—

(a) the Service authorities of one Contracting Party shall have the right to exercise within the territory of the other all criminal and disciplinary jurisdiction conferred on them by the law of their country over persons subject to its Service law;

(b) the authorities of a Contracting Party shall have jurisdiction over the members of a visiting force or civilian component or dependants with respect to offences committed within its territory and punishable by its law.

- (2) (a) The Service authorities of one Contracting Party shall have the right to exercise within the territory of the other exclusive jurisdiction over persons subject to its Service law with respect to offences, including offences relating to the security of their country, punishable by the law of their country but not by the law of the other Contracting Party ;
- (b) the authorities of a Contracting Party shall have the right to exercise exclusive jurisdiction over members of a visiting force or civilian component or dependants within its territory with respect to offences punishable by its law but not by the law of the country to which the visiting force belongs ;
- (c) for the purposes of this paragraph and of paragraph (3) of this Section, a security offence against a country shall include
- (i) treason against that country ;
 - (ii) sabotage, espionage or violation of any law relating to official secrets of that country, or secrets relating to the national defence of that country.
- (3) In cases where the right to exercise jurisdiction is concurrent, the following rules shall apply :—
- (a) the Service authorities shall have the primary right to exercise jurisdiction over members of a visiting force or civilian component in relation to :—
- (i) offences against the security of the country to which the visiting force belongs, offences solely against the property of that country or against the person or property of another member of the visiting force or civilian component or of a dependant ;
 - (ii) offences arising out of any act or omission done in the performance of official duty ;
- (b) in the case of any other offence, the authorities of the country within whose territory the visiting force in question is present shall have the primary right to exercise jurisdiction ;
- (c) if the authorities having the primary right decide not to exercise jurisdiction, they shall notify the other authorities as soon as practicable. The authorities having the primary right of jurisdiction shall give sympathetic consideration to a request from the other authorities for a waiver of their right in cases where those other authorities consider such waiver to be of particular importance, or where suitable punishment can be applied by disciplinary action without recourse to a court.
- (4) The foregoing provisions of this section shall not confer any right on the Service authorities of one Contracting Party to exercise jurisdiction over persons who are citizens of or ordinarily resident in the territory of the other unless they are members of the forces of the first-mentioned Contracting Party.
- (5) (a) The authorities of the Contracting Parties shall assist each other in arresting members of a visiting force or civilian component or dependants and handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.
- (b) The authorities of a Contracting Party within whose territory a visiting force is present shall give prompt notification to the Service authorities of that force of the arrest of any member of that force or civilian component or a dependant.
- (c) The custody of a member of a visiting force or civilian component or a dependant over whom the authorities of the Federation are to exercise jurisdiction in respect of an offence within its territory shall remain with the Service authorities of that visiting force until he is brought to trial by the Federation authorities.

- (6) (a) The authorities of the Contracting Parties shall assist each other in carrying out all necessary investigations into offences and in the collection and production of evidence relating to an offence.
- (b) The authorities of the Contracting Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction including cases in which the primary right to exercise jurisdiction is waived.
- (7) Where an accused has been tried in accordance with the provisions of this Section by the Service or other authorities of the one Contracting Party, and has been acquitted, or has been convicted, he may not be tried again for the same offence by the Service or other authorities of the other Contracting Party. However, nothing in this paragraph shall prevent the Service authorities from trying a member of a visiting force 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 the Contracting Party within whose territory that force was present.
- (8) Whenever a member of a visiting force or civilian component or a dependant is prosecuted under the jurisdiction of the Contracting Party within whose territory the visiting force in question is present he shall be entitled:—
- (a) to a prompt and speedy trial ;
- (b) to be informed in advance of trial of the specific charge or charges made against him ;
- (c) to be confronted with the witnesses against him ;
- (d) to have compulsory process for obtaining witnesses in his favour if they are within the jurisdiction of the Contracting Party exercising jurisdiction ;
- (e) to have legal representation of his own choice for his defence, or to have free or assisted legal representation under the conditions prevailing for the time being in the territory of the Contracting Party exercising jurisdiction ;
- (f) to have the services of a competent interpreter ; and
- (g) to communicate with a representative of his Government and, when the rules of the court permit, to have a representative of that Government present at his trial.
- (9) Where a person charged with an offence against the law of a Contracting Party was at the time when the offence is alleged to have been committed a member of a visiting force or civilian component, a certificate issued by or on behalf of the Service authorities stating that the alleged offence, if committed by him, arose out of and in the course of his duty as a member of that force or component, as the case may be, shall in any proceedings of the authorities of the Contracting Party in whose territory the force is present be sufficient evidence of that fact unless the contrary is proved.

Section 3

- (1) The Service authorities of a Contracting Party may take such measures as they deem necessary to ensure the security of the equipment, property, records and official information of the forces of that Contracting Party or of authorised service organisations accompanying those forces.
- (2) The authorities of the Contracting Party within whose territory a visiting force is present will co-operate with the Service authorities of the other Contracting Party in taking such steps as from time to time may be necessary to ensure the security of the forces of that other, of members of those forces or civilian component and of dependants and their property.

- (3) Each Contracting Party shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of the other, and the punishment of persons who may contravene laws enacted for that purpose.

Section 4

Members of a visiting force may wear uniform and may possess and carry arms when authorised to do so by their orders.

Section 5

- (1) Subject to compliance with the formalities established by a Contracting Party relating to entry and departure, members of a visiting force shall be exempt from passport and visa regulations and immigration or emigration control or inspection on entering or leaving the territory of that Contracting Party. They shall also be exempt from regulations on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territory of that Contracting Party.
- (2) Members of a civilian component and dependants shall be so described in their passports.

Section 6

- (1) The transmission into or outside the territory of the Contracting Party in whose territory a visiting force is present of the official funds of the force shall not be restricted.
- (2) Remittances between the country to which a visiting force or a member of that force belongs and the country in which it is present shall be freely permitted in respect of:—
- (a) funds derived by members of the visiting force or civilian component from service or employment as such;
 - (b) funds belonging to an authorised service organisation and derived from its recognised trading activities; and
 - (c) funds derived by members of the visiting force or civilian component or dependants or by an authorised service organisation from sources outside the country in which the visiting force is present, subject to the regulations of the country to which the visiting force belongs; provided that funds remitted into the country in which the visiting force is present may be freely remitted back only to the country from which they originally came or to some other country within the Sterling Area.
- (3) Subject to the foregoing provisions of this Section members of a force or civilian component, dependants and authorised service organisations shall be subject to the foreign exchange regulations of both Contracting Parties.

Section 7

- (1) Subject to compliance with the regulations imposed by the customs authorities of a Contracting Party, a visiting force may import free of duty or authorise the import free of duty of:—
- (a) equipment, material, vehicles, fuel, oil and lubricants, and reasonable quantities of provisions, supplies and other goods for the exclusive use of that visiting force, its members, civilian component and dependants, and authorised service organisations;
 - (b) fuel, oil and lubricants for aircraft and vehicles used for the purposes of tropicalisation trials under the provisions of Article IV: provided that duty shall be payable in respect of oil and lubricants used for private purposes.

- (2) Subject to their general liability to the laws and regulations imposed by the customs authorities of a Contracting Party, a member of a visiting force or civilian component or dependant may, at the time of his first entry into the territory of that Contracting Party, import free of duty his household and personal effects including in the case of a member of a visiting force or civilian component a private motor vehicle.
- (3) Items imported free of duty under paragraphs (1) and (2) of this Section may be re-exported free of duty. They may only be disposed of in the country in which the force is present, whether by sale or gift, subject to such regulations as may be laid down by the authorities of that country.
- (4) Official documents under official seal and couriers properly identified as such shall not be subject to customs inspection.

Section 8

- (1) Members of a visiting force or civilian component of one Contracting Party shall be exempt from taxation by the other on the salary and emoluments paid to them in respect of their service or employment as such, provided that they are not ordinarily resident in the territory of the other or are resident there solely for the purposes of the Agreement.
- (2) Authorised service organisations accompanying a visiting force shall be exempt from taxation by the Contracting Party in whose territory they are present and shall not be subject to the laws of such Contracting Party governing the constitution, management and conduct of companies or corresponding organisations.
- (3) Service vehicles, that is to say, vehicles, including hired vehicles, which are exclusively in the service:—
 - (a) of a visiting force shall be exempt from registration, taxation and compulsory third party insurance;
 - (b) of an authorised service organisation accompanying a visiting force shall be exempt from registration and taxation.
- (4) A visiting force shall not be subject to any tolls (other than landing fees at civil airfields) in the territory in which it is present in connection with roads, bridges, piers, wharves, quays or landing places and the vessels of such a force shall not be subject to compulsory pilotage.

Section 9

The Service authorities responsible for a visiting force shall take all reasonable measures, and on request shall render all assistance reasonably required by the authorities of the country in which that force is present, to prevent misuse of the privileges granted, and to ensure proper discharge of the obligations imposed, under Sections 7 and 8 of this Annex. In particular, the Service authorities shall by appropriate administrative instructions bring their rights and obligations to the notice of all members of the force, civilian component and dependants.

Printed in England and published by
HER MAJESTY'S STATIONERY OFFICE

(30643) Wt. 678—D 48 K12 11/60 D.L.