2026/1946

19.8.2026

TRANSLATION

Agreement between the European Union and the Republic of Djibouti on the status of the European Union-led forces in the Republic of Djibouti in the framework of the European Union maritime security operation to safeguard freedom of navigation in relation to the Red Sea crisis (EUNAVFOR ASPIDES)

THE EUROPEAN UNION,

of the one part, and

THE REPUBLIC OF DJIBOUTI, hereinafter referred to as 'Djibouti' or the 'Host State',

of the other part,

together hereinafter referred to as the 'Parties',

CONCERNED by the upsurge in attacks on merchant and commercial vessels, and underscoring the importance of the exercise of navigational rights and freedoms of vessels of all States in the Red Sea, including merchant and commercial vessels transiting the Bab el-Mandeb Strait, in accordance with international law,

TAKING INTO ACCOUNT:

— United Nations Security Council (UNSC) Resolutions 2624 (2022) and 2722 (2024),

— the United Nations Convention on the Law of the Sea, concluded at Montego Bay on 10 December 1982,

— Council Decision (CFSP) 2024/583 of 8 February 2024 on a European Union maritime security operation to safeguard freedom of navigation in relation to the Red Sea crisis (EUNAVFOR ASPIDES) [1],

— the letter from the Republic of Djibouti dated 12 March 2024 accepting, in particular, that the EUNAVFOR ASPIDES operation be deployed in Djibouti to procure the support it needs,

— the fact that this Agreement will not affect the Parties' rights and obligations under other international agreements and other instruments establishing international courts and tribunals, including the Rome Statute of the International Criminal Court,

HAVE AGREED AS FOLLOWS:

Article 1

Scope and definitions

1. This Agreement shall apply to the European Union-led forces and to their personnel.

2. This Agreement shall apply only within the territory of the Host State, including its internal waters, territorial sea and airspace.

[1] OJ EU L, 2024/583, 12.2.2024, ELI: http://data.europa.eu/eli/dec/2024/583/oj.

3. For the purposes of this Agreement:

(a) 'European Union-led forces' or 'EUNAVFOR' shall mean European Union military headquarters and national contingents contributing to the operation, their vessels, their aircraft, their equipment and their means of transport;

(b) 'operation' shall mean the preparation, establishment, execution and support of the European Union maritime security operation to safeguard freedom of navigation in relation to the Red Sea crisis (EUNAVFOR ASPIDES) established by the European Union pursuant to Council Decision (CFSP) 2024/583;

(c) 'Operation Commander' shall mean the commander of the operation;

(d) 'EU Force Commander' shall mean the commander in the theatre of operations;

(e) 'EU military headquarters' shall mean the military headquarters and elements thereof, whatever their location, under the authority of European Union military commanders exercising the military command or control of the operation;

(f) 'national contingents' shall mean units, vessels and aircraft, and elements belonging to the Member States of the European Union and to other States participating in the operation;

(g) 'EUNAVFOR personnel' shall mean the members of civilian and military personnel assigned to EUNAVFOR, as well as personnel deployed for the preparation of the operation and personnel on mission for a Sending State or an institution of the European Union in the framework of the operation, present within the territory of the Host State, with the exception of personnel employed locally and personnel employed by international commercial contractors;

(h) 'personnel employed locally' shall mean members of personnel who are nationals of or permanently resident in the Host State;

(i) 'facilities' shall mean all premises, accommodation and land required for EUNAVFOR and EUNAVFOR personnel;

(j) 'Sending State' shall mean a State providing a national contingent for EUNAVFOR;

(k) 'waters' shall mean the internal waters and territorial sea of the Host State as well as the airspace above those waters;

(l) 'official correspondence' shall mean all correspondence relating to the operation and its functions.

Article 2

General provisions

1. EUNAVFOR and EUNAVFOR personnel shall respect the laws and regulations of the Host State and shall refrain from any action or activity incompatible with the objectives of the operation.

2. EUNAVFOR shall inform the government of the Host State, in advance and on a regular basis, of the number of members of EUNAVFOR personnel transiting through the Host State's territory or stationed therein, and of the identity of the vessels, aircraft and units operating in the waters or calling at the ports of the Host State.

3. Any proposed deployment in Djibouti of, or visit to Djibouti by, nationals of a third State participating in the operation shall be notified in advance to Djibouti by note verbale with a view to obtaining its authorisation. In the absence of a written objection by Djibouti within fifteen (15) days of receipt of that notification, the deployment of, or visit by, nationals of the third State concerned shall be deemed to have been tacitly authorised by the authorities of Djibouti.

Article 3

Identification

1. Members of EUNAVFOR personnel present on the land territory of the Host State shall carry their passports or military identity cards with them at all times.

2. EUNAVFOR vehicles, aircraft, vessels and other means of transport shall carry distinctive EUNAVFOR identification markings or registration plates, which shall be notified to the relevant Host State authorities in advance.

3. EUNAVFOR shall have the right to display the flag of the European Union and distinctive markings, such as military insignia, titles and official symbols, on its facilities, vehicles and other means of transport. The uniforms of EUNAVFOR personnel shall carry a distinctive EUNAVFOR emblem.

4. National flags or insignia of the national contingents participating in the operation may be displayed on EUNAVFOR facilities, vehicles and other means of transport as well as on EUNAVFOR uniforms, in accordance with the decision of the EU Force Commander.

Article 4

Border crossing and movement within the Host State's territory

1. Members of EUNAVFOR personnel shall enter the Host State's territory only on presentation of a valid passport and, in the case of first entry, except for the crews of EUNAVFOR vessels and aircraft, on presentation of an individual or collective mission order issued by EUNAVFOR. They shall be exempt from immigration inspections and customs control inspections on entering, leaving or within the Host State's territory. The crews of EUNAVFOR vessels and aircraft shall be exempt from applicable visa rules.

2. Members of EUNAVFOR personnel shall be exempt from the Host State's applicable rules on the registration and control of foreign nationals, but shall not acquire any right to residence or permanent domicile within the Host State's territory.

3. The Host State shall be provided, for information purposes, with a general list of EUNAVFOR assets entering its territory.

These assets shall carry EUNAVFOR identification markings. EUNAVFOR shall be exempt from any requirement to produce other customs documentation and from any inspection.

4. Members of EUNAVFOR personnel may drive motor vehicles and pilot vessels and aircraft within the Host State's territory provided they have valid national, international or military driving licences, ship master's certificates or pilot licences, as appropriate, issued by one of the Sending States.

5. For the purpose of the operation, the Host State shall grant EUNAVFOR and EUNAVFOR personnel freedom of movement and of travel within its territory, including the waters and its air space. Freedom of movement within the territorial sea of the Host State shall include in particular stopping and anchoring.

6. For the purpose of the operation, EUNAVFOR may carry out, within the waters, the launching, landing or taking on board of aircraft or military equipment.

7. For the purpose of the operation, EUNAVFOR and the means of transport that it charters may use roads, bridges, ferries, airports and ports without the payment of taxes or similar charges. EUNAVFOR shall not be exempt from charges for services which it receives at its request.

8. Djibouti authorises EUNAVFOR to access and use foreign military facilities in Djibouti for the purpose of deploying a maximum of ten (10) persons.

EUNAVFOR shall notify Djibouti, by note verbale, of the number of personnel it deploys on 1 January 2026 to those military installations, up to the maximum referred to in the first subparagraph.

In the event of exceptional circumstances recognised by the European Union and Djibouti, and in particular in the event that the operation does not have an on-boarded military staff, EUNAVFOR may provide for an additional temporary deployment of up to twenty (20) additional persons to one of these military installations for a period of six (6) months. The exceptional circumstances and details of the deployment project shall be notified by note verbale to Djibouti with a view to obtaining its authorisation. In the absence of a written objection by Djibouti within fifteen (15) days of receipt of that notification, the additional temporary deployment shall be deemed to have been tacitly authorised by the authorities of Djibouti. As soon as the exceptional circumstances have ended, the number of personnel deployed on the foreign military installations in Djibouti shall be reduced to a maximum of ten (10) persons.

Article 5

Privileges and immunities granted to EUNAVFOR by the Host State

1. EUNAVFOR's facilities, vessels and aircraft shall be inviolable. However, the Host State's agents shall be allowed to enter them with the consent of the EU Force Commander.

2. EUNAVFOR, and its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process.

3. EUNAVFOR's facilities and furnishings, other assets in those facilities, as well as EUNAVFOR's means of transport, shall be immune from search, requisition, attachment or execution.

4. EUNAVFOR's archives and documents shall be inviolable at any time, wherever located.

5. The official correspondence of EUNAVFOR shall be inviolable.

6. The Host State shall permit the entry of articles intended for the operation and grant them exemption from all custom duties, taxes and similar charges, with the exception of charges for storage, cartage and other services rendered.

7. In respect of purchased and imported goods, services provided and facilities used by EUNAVFOR for the purposes of the operation, EUNAVFOR shall be exempt from all national, regional and communal dues, taxes and charges of a similar nature.

EUNAVFOR shall not be exempt from fees or other charges that represent payment for services rendered.

Article 6

Privileges and immunities granted to EUNAVFOR personnel by the Host State

1. EUNAVFOR personnel shall not be subject to any form of arrest or detention. In the event that a police authority of the Host State observes an offence in the act of being committed on a public thoroughfare, that authority shall be allowed, where the offender has violated the physical integrity of a Host State national, to detain him in order to ensure his protection pending the arrival of the competent EUNAVFOR authorities.

2. Papers, correspondence and property of EUNAVFOR personnel shall enjoy inviolability, except in the case of measures of execution referred to in paragraph 6.

3. EUNAVFOR personnel shall enjoy immunity from the criminal jurisdiction of the Host State.

The Sending State concerned or the institution of the European Union concerned, as the case may be, may waive the immunity from criminal jurisdiction enjoyed by EUNAVFOR personnel. That waiver must always be in writing.

4. EUNAVFOR personnel shall enjoy immunity from the civil and administrative jurisdiction of the Host State in respect of words spoken or written, as well as all acts performed by them in the exercise of their official functions.

If a civil proceeding is instituted against a member of EUNAVFOR personnel before any Host State court, the EU Force Commander and the competent authority of the Sending State or the institution of the European Union concerned shall be notified immediately. Prior to the initiation of the proceeding before the competent court, the EU Force Commander and the competent authority of the Sending State or the EU institution concerned shall certify to the court whether the act in question was committed by the member of EUNAVFOR personnel in the exercise of his official functions.

If the act was committed in the exercise of official functions, the proceeding shall not be initiated and Article 15 shall apply. If the act was not committed in the exercise of official functions, the proceeding may continue.

The Host State shall ensure that the competent court recognises the certification provided by the EU Force Commander and the competent authority of the Sending State or the EU institution concerned.

The initiation of a civil proceeding by the member of EUNAVFOR personnel concerned shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

5. EUNAVFOR personnel are not obliged to testify.

6. No measures of execution may be taken in respect of the member of EUNAVFOR personnel concerned, except in the case where a civil proceeding not related to his official functions is instituted against him. Property of that member of EUNAVFOR personnel which is certified by the EU Force Commander to be necessary for the fulfilment of his official functions shall not be seized in order to satisfy a judgement, decision or order. In civil proceedings, EUNAVFOR personnel shall not be subject to any restrictions on their personal liberty or to any other measures of constraint.

7. The immunity of EUNAVFOR personnel from the jurisdiction of the Host State does not exempt them from the jurisdictions of the Sending State.

8. EUNAVFOR personnel shall be exempt from any form of taxation in the Host State on the salary and emoluments paid to them by EUNAVFOR or the Sending State, as well as on any income received from outside the Host State.

9. Subject to the laws and regulations adopted by the Host State, the Host State shall permit entry of and grant exemption from all customs duties, taxes and related charges other than storage charges, cartage charges and charges for similar services, on articles for the personal use of EUNAVFOR personnel.

The personal baggage of EUNAVFOR personnel shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles that are not for the personal use of EUNAVFOR personnel, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the Host State. Such inspection shall be conducted only in the presence of the member of EUNAVFOR personnel concerned or of an authorised representative of EUNAVFOR.

Article 7

Personnel employed locally

1. Personnel employed locally by EUNAVFOR shall consist exclusively of nationals of Djibouti, except in exceptional cases where Djibouti authorises the employment of foreign nationals resident in Djibouti.

2. Personnel employed locally by EUNAVFOR shall not enjoy privileges or immunities. However, the Host State shall exercise its jurisdiction over that personnel in such a manner as not to interfere unduly with the performance of the functions of the operation.

Article 8

Criminal jurisdiction

The competent authorities of a Sending State shall have the right to exercise on the territory of the Host State, in cooperation with the Host State's competent authorities, all the criminal jurisdiction and disciplinary powers conferred on them by the law of the Sending State with regard to all members of EUNAVFOR personnel subject to that law.

Article 9

Uniform and arms

1. The wearing of uniform shall be subject to rules adopted by the EU Force Commander.

2. For the purpose of the operation, members of EUNAVFOR military personnel may carry or transport arms and ammunition on condition that they are authorised to do so by virtue of the orders of their military hierarchy.

Article 10

Host State support and contracting

1. The Host State shall agree, if requested, to assist EUNAVFOR in finding suitable facilities.

2. Within its means and capabilities, the Host State shall assist in the preparation, establishment, and execution of and support for the operation.

3. The law applicable to contracts concluded by EUNAVFOR in the Host State shall be specified in those contracts.

4. Each contract may stipulate that the dispute settlement procedure referred to in Article 15(3) and (4) shall govern disputes arising from its application.

5. The Host State shall facilitate the implementation of contracts concluded by EUNAVFOR with commercial entities for the purposes of the operation.

Article 11

Modification of facilities

EUNAVFOR shall be authorised to construct or to modify facilities according to its operational requirements, with prior permission of the Host State.

Article 12

Deceased members of EUNAVFOR personnel

1. The EU Force Commander shall have the right to take charge of and make necessary arrangements for the repatriation of any deceased member of EUNAVFOR personnel, as well as that of his personal property.

2. No autopsy shall be performed on any deceased member of EUNAVFOR personnel without the agreement of the State concerned or in the absence of a representative of EUNAVFOR or the State concerned.

3. The Host State and EUNAVFOR shall cooperate to the fullest extent possible to ensure the repatriation as soon as possible of any deceased member of EUNAVFOR personnel.

Article 13

Security of EUNAVFOR and military police

1. The Host State shall take all appropriate measures to ensure the safety and security of EUNAVFOR and its personnel outside the facilities.

2. EUNAVFOR shall be authorised to take, on the land territory of the Host State and in the waters, the measures necessary to protect EUNAVFOR's facilities, vessels and aircraft, as well as the vessels that it protects, against any external attack or intrusion, in cooperation with the Host State's competent authorities.

3. The EU Force Commander may establish a military police unit in order to maintain order in the facilities.

4. The military police unit referred to in paragraph 3 may also, in consultation and cooperation with the military police or the police of the Host State, act outside the facilities to ensure the maintenance of good order and discipline among EUNAVFOR personnel.

Article 14

Communications

1. EUNAVFOR may install and operate radio sending and receiving stations, as well as satellite systems. EUNAVFOR shall cooperate with the Host State's competent authorities with a view to avoiding conflicts in the use of appropriate frequencies. The Host State shall grant access to the frequency spectrum in accordance with its legislation in force.

2. EUNAVFOR shall enjoy the right to unrestricted communication by radio, including by satellite, mobile or portable radio, by telephone, by telegraph, by facsimile and by other means, as well as the right to install the equipment necessary for the maintenance of such communications within and between facilities, including the laying of cables and land lines for the purpose of the operation.

3. Within the facilities, EUNAVFOR may make the arrangements necessary for the conveyance of mail addressed to EUNAVFOR or EUNAVFOR personnel or sent by EUNAVFOR or EUNAVFOR personnel.

4. The implementing arrangements for this Article shall be agreed with the competent authorities of the Host State.

Article 15

Claims for compensation for death, injury, damage and loss

1. Claims for compensation in the event of damage to or loss of civilian or government property, as well as claims for compensation in the event of death of or injury to persons and for damage to or loss of EUNAVFOR property, shall be settled by amicable agreement.

2. Claims for compensation referred to in paragraph 1 shall be forwarded to EUNAVFOR via the competent authorities of the Host State, as regards claims brought by legal or natural persons from the Host State, or to the competent authorities of the Host State, as regards claims brought by EUNAVFOR.

3. Where no amicable settlement can be found, the claim for compensation shall be submitted to a claims commission composed on an equal basis of representatives of EUNAVFOR and representatives of the Host State. Settlement of claims shall be reached by mutual agreement.

4. Where no settlement can be reached within the claims commission, the following rules shall apply:

(a) claims for amounts up to and including EUR 80 000 are to be settled by diplomatic means between the Host State and representatives of the European Union;

(b) claims for amounts above EUR 80 000 are to be submitted to an arbitration tribunal, whose decision is to be binding.

5. The arbitration tribunal referred to in paragraph 4, point (b), shall be composed of three arbitrators, with the first being appointed by the Host State, the second by EUNAVFOR and the third by mutual agreement between the Host State and EUNAVFOR. Where one of the parties does not appoint an arbitrator within two months, or where no agreement can be found between the Host State and EUNAVFOR on the appointment of the third arbitrator, the arbitrator in question shall be appointed by the President of the Supreme Court of Djibouti.

6. EUNAVFOR and the administrative authorities of the Host State shall conclude an administrative arrangement in order to determine the terms of reference of the claims commission and of the arbitration tribunal, the procedure applicable within these bodies and the conditions under which claims for compensation are to be lodged.

Article 16

Liaison and disputes

1. All issues arising in connection with the application of this Agreement shall be examined jointly by the representatives of EUNAVFOR and the Host State's competent authorities.

2. In the absence of prior settlement, disputes concerning the interpretation or application of this Agreement shall be settled exclusively by diplomatic means between the Host State and the EU representatives.

Article 17

Other provisions

1. Where this Agreement refers to the privileges, immunities and rights of EUNAVFOR and of EUNAVFOR personnel, the government of the Host State shall be responsible for their implementation and for compliance with them by the appropriate local authorities of the Host State.

2. Nothing in this Agreement is intended to derogate from, nor may be construed as derogating from, any rights attaching to a Member State of the European Union or to any other State contributing to EUNAVFOR pursuant to other agreements.

Article 18

Implementing arrangements

For purposes of the application of this Agreement, operational, administrative, financial and technical matters may be the subject of separate arrangements to be concluded between the EU Force Commander and the Host State's administrative authorities.

Article 19

Entry into force and termination

1. This Agreement shall enter into force on the date on which it is signed and shall remain in force for a period of twelve (12) months, at the end of which the Parties agree to carry out an initial review. This Agreement shall be renewed for successive periods of one year, unless terminated by either Party, with notice given to the other Party at least one month in advance.

2. Notwithstanding paragraph 1 of this Article, Article 4(7), Article 5(1), (2), (3), (6) and (7), Article 6(1), (3), (4), (6), (8) and (9) and Articles 11 and 15 shall be deemed to apply from the date of deployment of the first member of EUNAVFOR personnel, if that date is earlier than the date of entry into force of this Agreement.

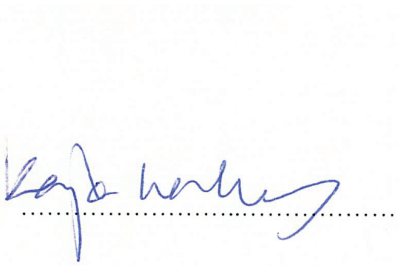
3. This Agreement may be amended by written agreement between the Parties.

4. Termination of this Agreement shall not affect any rights or obligations resulting from the execution of this Agreement before such termination.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorised to this effect, have signed this Agreement.

Done at Djibouti on the sixteenth day of July in the year two thousand and twenty-six, in two original copies, in the French language.

For the European Union



For the Republic of Djibouti

