

No. 10372

**FRANCE
and
TOGO**

Convention concerning relations between the French Treasury and the Togolese Treasury and procedures for co-operation between the French Republic and the Togolese Republic with respect to the organization and operation of Treasury Services (with exchange of letters). Signed at Paris on 10 July 1963

Authentic text: French.

Registered by France on 18 March 1970.

**FRANCE
et
TOGO**

Convention relative aux relations entre le Trésor français et le Trésor togolais ainsi qu'aux modalités de la coopération de la République française et de la République togolaise pour l'organisation et le fonctionnement des services des trésors (avec échange de lettres). Signée à Paris le 10 juillet 1963

Texte authentique: français.

Enregistrée par la France le 18 mars 1970.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE FRENCH REPUBLIC AND
THE TOGOLESE REPUBLIC CONCERNING RELATIONS
BETWEEN THE FRENCH TREASURY AND THE TOGO-
LESE TREASURY AND PROCEDURES FOR CO-OPERA-
TION BETWEEN THE FRENCH REPUBLIC AND THE
TOGOLESE REPUBLIC WITH RESPECT TO THE
ORGANIZATION AND OPERATION OF TREASURY
SERVICES

The President of the French Republic and

The President of the Togolese Republic,

Being anxious to define the relations which should exist between the
Treasuries of the two States,

Desiring to render assistance to one another in respect of the operation of the
administrative services responsible for their Treasury transactions,

Have decided to conclude this Convention.

For that purpose they have appointed as their plenipotentiaries :

The President of the French Republic : Mr. Raymond Triboulet, Minister-
Delegate for Co-operation;

The President of the Togolese Republic : Mr. Apedo-Amah, Minister for Foreign
Affairs,

who, having exchanged their full powers, found in good and due form, have
agreed on the following provisions :

TITLE I

TREASURY RELATIONS BETWEEN THE FRENCH REPUBLIC
AND THE TOGOLESE REPUBLIC

Article 1

Transactions of the French Treasury within the territory of the Togolese
Republic shall be effected or centralized by the Paymaster attached to the French
Embassy in Togo, who shall also be responsible, together with the Treasurer-
Paymaster of Togo, for ensuring the reciprocal relations between the Togolese
Treasury and the French Treasury.

¹ Came into force on 8 February 1964, the date of entry into force of the Agreement for co-
operation in economic, monetary and financial matters between the French Republic and the
Togolese Republic, signed at Paris on 10 July 1963, in accordance with article 19.

Article 2

Transactions which can be effected by each Treasury on behalf of the other shall be carried out, and settlement shall be made, in the manner laid down in this Convention.

Article 3

Postal settlements shall be effected in a manner to be laid down in a special agreement.

Article 4

The Treasury of the Togolese Republic may receive advances from the Treasury of the French Republic.

The Togolese Treasury may deposit its cash reserves with the French Treasury; funds so deposited shall bear interest.

The manner in which this article is to be applied shall be determined by exchange of letters between the competent authorities of the two countries.

Article 5

Within the territory of the Togolese Republic, the French Treasury shall receive statutory deposits from any individual who or body corporate which is indebted to or has liabilities towards the French Administration. The French Treasury may likewise receive outside the territory of the Togolese Republic, for account of the latter, statutory deposits from any individual who or body corporate which is indebted to or has liabilities towards the Administration of the Togolese Republic.

TITLE II

ORGANIZATION OF TREASURY SERVICES

Article 6

The Treasurer-Paymaster of Togo may arrange for transactions of the Treasury of the Togolese Republic outside the territory of the Togolese Republic to be effected by the French Treasury.

Article 7

The Paymaster attached to the French Embassy in Togo shall carry out transactions of the French Treasury within the territory of the Togolese Republic either directly or through the Togolese Treasury.

Article 8

Transactions which French public accounts officers and Togolese public accounts officers are required to effect for one another in their capacity as reciprocal agents shall be centralized by the Treasurer-Paymaster of Togo and by the Paymaster attached to the French Embassy in Togo in a settlement account to be opened :

- In the books of the Treasurer-Paymaster of Togo, and
- In the books of the Paymaster attached to the French Embassy.

Article 9

Payments and collections relating to warrants issued by the competent French authorities the payment or collection of which is to be effected within the territory of the Togolese Republic shall be centralized by the Paymaster attached to the French Embassy in Togo. Where the payments or collections are to be effected by Togolese accounts officers, the Treasurer-Paymaster of Togo shall countersign the warrants and forward them to the competent Togolese accounts officers.

Payments within the territory of the Togolese Republic as referred to in the preceding paragraph shall be effected, whether by the Paymaster attached to the French Embassy or by Togolese accounts officers, in accordance with the procedures laid down in the laws and regulations applicable in Togo. Togolese accounts officers must, however, comply with instructions entered on payment warrants by the authorizing accounts officer to indicate, for instance, the period of validity of the payment warrant or the fact that payment is subject to the presentation of documents which are to be attached to the warrant.

Collections within the territory of the Togolese Republic as referred to in the first paragraph of this article shall be effected, at the request of the French accounts officer responsible for the collection schedule or warrant, by the French Paymaster attached to the French Embassy in Togo or by the Togolese accounts officer for the place of domicile or residence of the debtor or the place where his property is situated. In the event of enforced recovery, proceedings shall be instituted by the competent Togolese accounts officers in accordance with the laws and regulations applicable in Togo for the recovery of debt-claims of the same kind; the debt-claims to be recovered shall be accorded the same guarantees and privileges as debt-claims of the same kind within the Togolese Republic.

Article 10

Income and expenditure transactions of the French Treasury effected by Togolese accounts officers shall be centralized in the books of the Treasurer-Paymaster of Togo, who shall enter the amount received or expended in the

settlement account with the French Treasury. The documents pertaining to the transactions shall be transmitted to the Paymaster attached to the French Embassy in Togo. In the books of the latter Paymaster, a corresponding debit or credit entry shall be made in the settlement account with the Togolese Treasury.

Article 11

Payments and collections relating to warrants issued by the competent Togolese authorities the payment and the collection of which outside the territory of the Togolese Republic are entrusted to the French Treasury shall be centralized by the Treasurer-Paymaster of Togo, who shall transmit them to the French Treasury. The Paymaster attached to the French Embassy in Togo shall countersign the warrants and forward them to the competent accounts officers.

Payments outside the territory of the Togolese Republic as referred to in the preceding paragraph shall be effected through the French Treasury, in accordance with the procedures laid down in the laws and regulations applicable *ratione loci*. The paying accounts officer must, however, comply with instructions entered on the payment warrant by the authorizing Togolese accounts officers to indicate, for instance, the period of validity of the payment warrant or the fact that payment is subject to the presentation of documents which are to be attached to the warrant.

Collections outside the territory of the Togolese Republic as referred to in the first paragraph of this article shall be effected, at the request of the Togolese accounts officer responsible for the collection schedule or warrant, through the competent French accounts officer.

Enforced recovery of the debt-claims involved shall be effected in accordance with the laws and regulations applicable *ratione loci* to debt-claims of the same kind; Togolese debt-claims to be recovered shall be accorded the guarantees and privileges provided by the said laws and regulations for debt-claims of the same kind.

Article 12

Income and expenditure transactions of the Togolese Treasury effected outside the territory of the Togolese Republic through the French Treasury shall be centralized by the Paymaster attached to the French Embassy in Togo, who shall enter the amount received or expended in the settlement account with the Togolese Treasury. The documents pertaining to the transactions shall be transmitted to the Treasurer-Paymaster of Togo. In the books of the latter Treasurer-Paymaster, a corresponding debit or credit entry shall be made in the settlement account with the French Treasury.

Article 13

Transactions effected by Togolese accounts officers for account of the French Treasury which are disallowed by the French Treasury and transactions effected through the French Treasury for account of the Togolese Treasury which are disallowed by the Togolese Treasury shall be referred back for purposes of adjustment to the Treasurer-Paymaster of Togo and the Paymaster attached to the French Embassy in Togo respectively; the original entry in the settlement account between the two Treasuries shall be reversed accordingly.

In case of continuing disagreement between the two Treasuries concerning responsibility for a transaction, the amount of the transaction shall be placed in a suspense account in the books of the Treasury which effected the transaction, pending a decision by the special arbitration commission the composition of which is laid down in article 17 of this Convention.

Article 14

The value date of all reciprocal transactions entered in the settlement account between the two Treasuries during any period beginning on the first, the eleventh and the twenty-first day of a month and ending on the tenth, the twentieth and the last day of that month shall be deemed to be the tenth, the twentieth and the last day of the month.

On the afternoon of the last day of each ten-day period, the balances of the settlement accounts between the two Treasuries shall be agreed in relation to the transactions posted to those accounts from the morning of the first day to the afternoon of the last day of the period in question.

Where the tenth, the twentieth or the last day of a month falls on a day other than a working day, the balances shall be agreed on the last preceding working day and the value date of transactions entered during the period in question shall be the day on which the balances are agreed.

Settlement of the balance as determined at the end of each of the periods specified above shall be made in cash before the date on which the balances are next to be agreed, the debtor State effecting payment to the creditor State in the currency of the latter.

If for three consecutive months the settlement account between the two Treasuries shows, at each periodic settlement, a balance of more than 50 million francs CFA to the debit of the same State, the creditor State may request the debtor State to pay to it an advance deposit the amount of which shall be determined by mutual agreement and may be reviewed at any time.

Article 15

The provisions of this title shall apply to all income and expenditure transactions which are being carried out by the Treasuries of the Togolese Republic

and of the French Republic for account of one another at the time when this title becomes applicable.

TITLE III

TRANSITIONAL AND MISCELLANEOUS PROVISIONS

Article 16

The French Government shall as far as possible make available to the Togolese Government such officials as the latter may request of it with a view to ensuring the effective operation of Togolese Treasury services.

An exchange of letters between the two Governments shall specify, with respect to Treasury officials made available to the Togolese Government and having regard to the special obligations to which they are subject, adjustments and additions to the General Agreement on Technical Co-operation of today's date¹.

Article 17

The *de facto* arrangements of 1 January 1961 on the occasion of the establishment of the Togolese Treasury service are hereby confirmed, with particular reference to :

— The closing of accounts and the settlement on 31 December 1960 by the Treasurer-Paymaster at Lomé of the amount standing to the credit of the Togolese Treasury.

—The transfer to the Treasurer-Paymaster of Togo of the documents, records and other papers required for the operation of his department, and the transfer to the Accounts Officer of the French Treasury of the documents, records and other papers required for the auditing or justification of transactions effected up to 31 December 1960;

—The transfer to the Togolese Republic of the premises occupied at Lomé by the Togolese Treasury, together with the service facilities and furniture.

Article 18

There shall be established a special arbitration commission, to which any difficulties that might arise in the application of this Convention shall be referred.

The commission shall be composed of three persons appointed by the Minister of Finance of the Togolese Republic and three persons appointed by the Minister of Finance of the French Republic.

¹ See p. 87 of this volume.

The chairmanship of the commission shall be held alternately by one of the persons appointed by the Togolese Minister of Finance and one of the persons appointed by the French Minister of Finance.

Article 19

This Convention shall enter into effect on the date of entry into force of the Agreement on Co-operation in Economic, Monetary and Financial Matters¹ between the French Republic and the Togolese Republic, subject to completion of the formalities required by the laws of each State in order to give effect to the provisions of articles 9 and 11 above concerning enforced recovery.

It shall remain in force until one year after the date on which either Contracting Party declares that it wishes to terminate the Convention.

IN WITNESS WHEREOF the plenipotentiaries have signed this Convention.

DONE at Paris, on 10 July 1963, in duplicate.

For the French Republic :

R. TRIBOULET

For the Togolese Republic :

APEDO-AMAH

EXCHANGE OF LETTERS

I

Paris, 10 July 1963

Sir,

Following the exchanges of views between our two delegations on the subject of procedures for the application of article 16 of the Convention concerning Relations between the French Treasury and the Togolese Treasury, it was agreed that, notwithstanding the provisions of the General Agreement on Technical Co-operation, the following rules would be adopted with respect to French personnel serving in the Togolese Treasury.

Upon entry into force of the Convention concerning Relations between the French Treasury and the Togolese Treasury, the two Governments shall decide by mutual agreement and for a period of two years the number of French officials needed, by type and category of posts, for the effective operation of Togolese Treasury services.

Should the French Government be unable, by reason of the fact that officials are not available in sufficient numbers, to provide the Togolese Govern-

¹ See p. 123 of this volume.

ment with all the assistance in the form of personnel which is agreed to be necessary, the French Government undertakes to seek, together with the Togolese Government, ways of remedying the situation within the framework of the provisions concerning professional training set forth below.

The Togolese Government shall, at the regular intervals established under the French regulations, forward to the French Government reports on the manner in which the personnel made available to it are performing their duties.

The Togolese Government shall notify the French Government of any assignment or transfer of such personnel.

Without prejudice to the financial liability which they may incur in the exercise of their duties as public accounts officers, officials seconded to the Togolese Government or made available to it may not incur any administrative penalty on the part of that Government other than their return, on stated grounds, to the French Government, accompanied, where necessary, by a request for the application of the disciplinary procedure set out in the statutes to which the official concerned is subject.

The French Government is prepared to provide the Togolese Government, in accordance with procedures to be laid down as necessary by mutual agreement, with any assistance which it might request in respect of professional training or professional retraining of officials of the Togolese Treasury service.

The General Agreement on Technical Co-operation shall, of course, remain applicable to the personnel in question in so far as it does not conflict with the foregoing provisions.

I have the honour to request you to confirm your agreement on the foregoing.

Accept, Sir, etc.

R. TRIBOULET

His Excellency Mr. Apedo-Amah
Chairman of the Togolese Delegation

II

Paris, 10 July 1963

Sir,

You addressed to me under today's date a letter which reads as follows :

[*See letter I*]

I have the honour to signify my agreement on the foregoing.

Accept, Sir, etc.

APEDO-AMAH

His Excellency Mr. Raymond Triboulet
Chairman of the French Delegation
