

No. 10371

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**FRANCE**  
and  
**TOGO**

**Agreement on co-operation in economic, monetary and financial matters (with annex and exchange of letters). Signed at Paris on 10 July 1963.**

**Protocol concerning the application of chapter I of the above-mentioned Agreement. Signed at Paris on 10 July 1963**

*Authentic text: French.*

*Registered by France on 18 March 1970.*

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**FRANCE**  
et  
**TOGO**

**Accord de coopération en matière économique, monétaire et financière (avec annexe et échange de lettres). Signé à Paris le 10 juillet 1963**

**Protocole d'application du titre I de l'Accord susmentionné. Signé à Paris le 10 juillet 1963**

*Texte authentique: français.*

*Enregistrés par la France le 18 mars 1970.*

[TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> ON CO-OPERATION IN ECONOMIC, MONETARY AND FINANCIAL MATTERS BETWEEN THE FRENCH REPUBLIC AND THE TOGOLESE REPUBLIC

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The President of the French Republic, on the one hand, and  
The President of the Togolese Republic, on the other hand,  
Desiring to develop the friendly relations existing between the two countries  
in a spirit of mutual understanding, reciprocal trust and co-operation,

Have decided to conclude this Agreement.

They have for that purpose appointed as their plenipotentiaries :

The President of the French Republic : Mr. Raymond Triboulet, Minister  
responsible 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 :

PRELIMINARY CHAPTER

*Article 1*

The Togolese Republic declares that it wishes to continue its development  
in association with the French Republic, while at the same time taking advantage  
of opportunities for trade offered to it in other countries of the world.

*Article 2*

The contractual association between the Togolese Republic and the French  
Republic shall be based on two fundamental principles :

- Each State shall retain all the economic, monetary and financial powers  
recognized as belonging to sovereign States;
- The parties shall consult each other with a view to co-ordinating their  
external economic, monetary and financial policies as between themselves  
and with the other States of the franc area so as to assist each other and  
to promote the most rapid possible economic development of each of  
them.

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<sup>1</sup> Came into force on 8 February 1964 by the exchange of the instruments of ratification,  
which took place at Lomé, in accordance with article 23.

*Article 3*

The French Republic shall continue to provide material and technical assistance with a view to the attainment of the economic and social objectives which the Togolese Republic has set for itself.

## CHAPTER I

## TRADE

*Article 4*

Bearing in mind the obligations imposed upon the two Contracting Parties by the economic organizations of which they are members or with which they are associated, the Togolese Republic and the French Republic agree to promote their trade relations within a contractual framework based on the principle of maintaining the freedom of movement and the exemption from customs duty existing on the date on which this Agreement enters into force, subject to the laws and regulations relating to health, security and public morality and to respect for fiscal monopolies and marketing organizations.

*Article 5*

Receipts and expenditure of any kind involving countries outside the franc area shall take the form of the sale or purchase of foreign exchange on the central currency market of the franc area.

*Article 6*

A franc account entitled "Togo-drawing rights" shall be opened with the exchange stabilization fund of the franc area. The purpose of the said account shall be to record all settlements by Togo with countries outside the franc area, either by the sale or purchase of foreign exchange on the Paris currency market or by debiting or crediting foreign franc accounts opened with approved banks established in France.

Under the annual agreements provided for in article 9 below, it may, if necessary, be credited with a supplementary drawing right.

*Article 7*

The Togolese Republic shall apply in its territory the foreign exchange regulations of the franc area in accordance with the provisions of chapter II of this Agreement.

It may, by agreement with the central authorities of the franc area, make such adjustments in the regulations as are required by local conditions.

The competent authorities of the French Republic and the Togolese Republic shall co-operate in seeking out and taking action against violations of the said regulations.

#### *Article 8*

The Togolese Foreign Exchange Office shall maintain contact with the central foreign exchange organs of the franc area for the purpose of maintaining the desirable solidarity and ensuring the necessary co-ordination through the exchange of information and data on, *inter alia*, operations, the position of the "drawing rights" account, and any violations which have been noted.

The Togolese Republic may, for this purpose, request that the services of an official of the said central organs should be made available to it.

#### *Article 9*

The procedures for applying the provisions of this chapter shall be determined by an annexed protocol and, where necessary, by annual agreements.

### CHAPTER II

### CURRENCY

#### *Article 10*

It is the responsibility of the Togolese Republic, as a sovereign State, to determine its monetary system.

#### *Article 11*

The Togolese Republic and the French Republic declare that they will continue to ensure the free transfer of funds between the two countries.

#### *Article 12*

The Togolese Republic and the French Republic agree to apply the provisions of this chapter in the context of monetary co-operation within the franc area. The procedures for the said co-operation shall be determined bilaterally or multilaterally, where necessary, by agreement between the parties concerned, due regard being had to the monetary system chosen by the Togolese Republic.

## CHAPTER III

## FRENCH PARTICIPATION IN THE DEVELOPMENT OF TOGO

*Article 13*

Bearing in mind the foregoing provisions, the French Republic may, at the request of the Togolese Republic, provide aid, either directly or through specialized organizations, in specific undertakings having as their objective the economic and social development of the Togolese Republic.

Such aid may consist, *inter alia*, in the secondment of experts or of technical assistance personnel, in the supply of equipment or materials, in the execution of works, and in participation, in whatsoever form, in the financing of single or multiple operations under the economic and social development plan of the Togolese Republic.

The arrangements for such aid shall be the subject of appropriate agreements.

*Article 14*

Where projects involving French financial assistance are concerned, the equipment, materials or supplies, within the limits of such assistance, imported into or acquired in Togo by the Togolese Republic or by any other individual or body corporate executing or participating in the execution of any project undertaken pursuant to this Agreement must, save as otherwise agreed, originate in, and come from, the franc area.

The portion of such financial assistance allocated for studies or the execution of works shall be the subject of contracts to be reserved for Togolese or French enterprises under conditions laid down by the agreements provided for in the third paragraph of article 13.

*Article 15*

As regards the charges levied by the customs and tax authorities, the Government of the Togolese Republic shall, without prejudice to the provisions of article 1 above, accord most-favoured-nation treatment to goods referred to in articles 13 and 14 above which are imported for purposes of the execution of the operations provided for in this Agreement.

Equipment imported for purposes of the execution of the said operations shall, if it is intended to be re-exported, be granted temporary admission in accordance with the regulations in force in Togo.

*Article 16*

French nationals responsible for preparing studies of and executing operations financed out of French funds shall enjoy the guarantees accorded to

French technical assistance personnel made available to the Togolese Republic under the French-Togolese General Agreement on Technical Co-operation, without prejudice to the agreements provided for in the third paragraph of article 13.

*Article 17*

French investments made within the framework of the Togolese development plan shall enjoy the benefits and guarantees accorded under Togolese law to approved enterprises.

In the event that the said law is amended, existing rights shall be respected under all circumstances.

CHAPTER IV

MISCELLANEOUS PROVISIONS

*Article 18*

Without prejudice to the provisions of the Convention on Establishment, the nationals, foundations, associations and companies of each Contracting Party shall enjoy in the territory of the other Party, in respect of investments as well as property, rights and interests belonging to them, the treatment accorded to nationals, foundations, associations and companies of the most favoured nation.

Rights which they have acquired under the law of the other Party shall be safeguarded under all circumstances.

*Article 19*

The French Republic and the Togolese Republic shall ensure the free transfer of capital, dividends, royalties and income from investment as well as the proceeds of total or partial liquidation.

*Article 20*

Relations between the French Treasury and the Togolese Treasury shall be governed by a convention of today's date.

*Article 21*

The Togolese Republic shall, where necessary, participate in all joint organizations of the States of the franc area as well as in any multilateral economic and financial grouping of those States.

*Article 22*

With a view to facilitating the application of this Agreement and keeping its implementation under review, the two Parties agree to hold, in accordance with international usage, periodic meetings between French and Togolese representatives in a commission of equal membership established for that purpose.

The said commission shall meet as necessary at least twice a year at the request of either Party, alternately at Paris and at Lomé as a general rule.

*Article 23*

This Agreement shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Lomé.

It shall remain in force until the expiry of one year after the date on which one of the Contracting Parties indicates its desire to terminate it.

IN WITNESS WHEREOF the plenipotentiaries have signed this Agreement.

DONE at Paris on 10 July 1963 in duplicate.

For the French Republic :

R. TRIBOULET

For the Togolese Republic :

APEDO-AMAH

## A N N E X

CONDITIONS UNDER WHICH THE RÉGIME PROVIDED FOR IN ARTICLE 4 OF THE AGREEMENT ON CO-OPERATION IN ECONOMIC, MONETARY AND FINANCIAL MATTERS BETWEEN THE FRENCH REPUBLIC AND THE TOGOLESE REPUBLIC IS TO APPLY TO GOODS OBTAINED THROUGH THE PROCESSING OF PRODUCTS IMPORTED FROM THIRD COUNTRIES

I. Goods obtained, in the customs territory of one of the Contracting Parties, through the processing of products imported from third countries shall enjoy under the following conditions the exemption from customs duty provided for in article 4 of the Agreement on co-operation in economic, monetary and financial matters :

- (a) The customs duty applicable to entry into the customs territory in which processing occurred must have been definitively paid in respect of the products of third countries so utilized;
- (b) The products in question must have undergone, in the said territory, one of the forms of processing indicated in the lists published in the texts in force on the date on which this Protocol takes effect.

Products obtained as a result of any other form of processing shall be admitted free of customs duty into the customs territory of import only if the total value of the incor-

porated products originating in third countries does not exceed a given percentage of the declared value of the product exported from the customs territory in which processing occurred. Products of third countries which have already been incorporated, as a result of one of the forms of processing indicated in the above-mentioned lists, in a product which is itself processed shall be considered together with the local products in determining whether or not the specified percentage has been reached.

The percentages to be applied in the case of particular products shall be those specified in the texts in force on the date on which this Protocol takes effect.

II. Goods exported from the customs territory of one of the Contracting Parties pursuant to a system of suspension of customs duty under which they were obtained through the processing of products imported from third countries shall be subject, in the customs territory of the other Contracting Party, to payment of the customs duty applicable on entry into the latter territory; the duty shall be payable either on the product processed or on the product obtained, depending on which alternative is more favourable to the importers.

The same rule shall apply to goods which are obtained through the processing of products imported from third countries and are exported under the drawback system or an equivalent system from the customs territory of one of the Contracting parties to the customs territory of the other.

III. Where the conditions laid down in I (b) above are not fulfilled, goods obtained through the processing of products imported from third countries and exported in the ordinary way from the customs territory of one of the Contracting Parties shall be subject to the payment of import duty in the customs territory of the other Contracting Party.

## EXCHANGE OF LETTERS

### I

Paris, 10 July 1963

Sir,

Following the exchanges of views which have taken place between our two delegations, it has been agreed that the arrangements for applying articles 4 and 9 of the Agreement on co-operation in economic, monetary and financial matters will be, in so far as relates to French-Togolese trade, the following :

(1) As regards imports to Togo for the year 1963 :

(a) Togo will maintain its imports from France at the average level for the years 1960 and 1961.

The Togolese Government has taken note of the French Government's desire to see an expansion of imports of the following French products :

Dairy products, wines and spirits, vehicles (item 87), flour, sugar, refrigerators and air conditioners, cotton goods (item 55).



(b) Except in the case of operations covered by special agreements, the necessary arrangements will be made to ensure that French industry is informed in good time of invitations to tender or any other consultations which may be held.

(2) Pursuant to the third paragraph of article 6 of the Agreement on co-operation in economic, monetary and financial matters, the French Republic is opening in the "Togo-drawing rights" account for the year 1963 a supplementary drawing right equal to 25 million francs.

In the event that Togo's foreign exchange assets prove insufficient, the opening of a supplementary drawing right can be given consideration under the conditions laid down in the third paragraph of article 6 of the Agreement on co-operation in economic, monetary and financial matters.

(3) For the period from 1 November 1962 to 31 October 1963, a market will be provided for the following quantities of products originating in, and coming from, the Togolese Republic :

Coffee .....	5,500 tons
Ground-nuts .....	2,800 tons

For the following period, the quantities will be fixed, in the light of current crop yields, by the commission provided for in article 22 of the Agreement on co-operation in economic, monetary and financial matters.

I should be grateful if you would confirm your agreement with the foregoing.

Accept, Sir, etc.

APEDO-AMAH

His Excellency Mr. Raymond Triboulet  
Chairman of the French Delegation

## II

Paris, 10 July 1963

Sir,

You have been good enough to send me the following letter of today's date :

[*See letter I*]

I have the honour to confirm that my Government is in agreement with these provisions.

Accept, Sir, etc.

R. TRIBOULET

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

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PROTOCOL<sup>1</sup> CONCERNING THE APPLICATION OF  
CHAPTER I OF THE AGREEMENT ON CO-OPERATION  
IN ECONOMIC, MONETARY AND FINANCIAL MAT-  
TERS BETWEEN THE FRENCH REPUBLIC AND THE  
TOGOLESE REPUBLIC<sup>2</sup>

The Government of the French Republic and  
The Government of the Togolese Republic  
Have agreed as follows :

*Article 1*

The application of the régime provided for in article 4 of the Agreement on Co-operation in economic, monetary and financial matters<sup>2</sup> shall be restricted, in so far as relates to the free movement of goods and their admission free of customs duty :

- (1) To products harvested or extracted from the soil in the territory of the Contracting Parties and to products manufactured therefrom in the said territory;
- (2) To products obtained, in the territory of the Contracting Parties, through the processing, under the conditions laid down in the annex hereto, of products imported from third countries.

The said goods must be transported between the territories of the Contracting Parties without passing through the territory of a third country and without trans-shipment in a third country. Departures from this rule may be permitted by mutual agreement.

For purposes of the application of this article and its annex, "third countries" shall mean countries which do not apply, in their trade with the two Contracting Parties, the arrangements provided for in the annex.

*Article 2*

In the case of fishery products, the application of the régime provided for in article 4 of the Agreement on co-operation in economic, monetary and financial matters shall be restricted to fish or marine animals which are caught by a vessel flying—subject to the possibility of assimilation by mutual agreement—the flag of one of the Contracting Parties and are delivered directly by such vessel to the territory of one of the Parties, and to canned products made in the said territory from such fish or marine animals.

<sup>1</sup> Came into force on 8 February 1964, in accordance with article 4.

<sup>2</sup> See p. 125 of this volume.

*Article 3*

The freedom of movement between the customs territories of the two Contracting Parties provided for in article 4 of the Agreement on co-operation in economic, monetary and financial matters, subject to the laws and regulations relating to health and public security and the rules designed to ensure respect for marketing organizations, shall not preclude such prohibitions and restrictions as may be required in order :

- To ensure respect for fiscal monopolies;
- To ensure the protection of plants against disease;
- To protect patents, trade marks, copyright and rights of reproduction and to prevent misleading practices;
- To ensure, on exit, the application of the regulations or standards relating to the quality control of goods;
- To protect national treasures having artistic, historical or archaeological value;
- To ensure enforcement of the laws relating to coins and medals.

*Article 4*

This Protocol shall enter into force on the same date as the Agreement on co-operation in economic, monetary and financial matters.

DONE at Paris on 10 July 1963.

For the Government  
of the French Republic :

R. TRIBOULET

For the Government  
of the Togolese Republic :

APEDO-AMAH