

No. 10373

FRANCE
and
TOGO

Protocol for the settlement of real property questions (with annex and exchange of letters). Signed at Lomé on 30 April 1968

Authentic text: French.

Registered by France on 18 March 1970.

FRANCE
et
TOGO

Protocole de règlement immobilier (avec annexe et échange de lettres). Signé à Lomé le 30 avril 1968

Texte authentique: français.

Enregistré par la France le 18 mars 1970.

[TRANSLATION — TRADUCTION]

PROTOCOL¹ FOR THE SETTLEMENT OF REAL PROPERTY
QUESTIONS BETWEEN THE GOVERNMENT OF THE
FRENCH REPUBLIC AND THE GOVERNMENT OF
THE TOGOLESE REPUBLIC

The Government of the French Republic, represented by Mr. Claude-François Rostain, Ambassador Extraordinary and Plenipotentiary of the French Republic to Togo, and,

The Government of the Togolese Republic, represented by Mr. Joachim Hunlede, Minister for Foreign Affairs,

Desiring to take the necessary measures for the due implementation of the Conventions and Agreements of 10 July 1963,² have resolved to effect a settlement of real property questions between the two States.

Article I

The French Republic shall transfer to the Togolese Republic full ownership of the following real property :

(1) At Lomé :

Two judges' residences on registered lot (*titre foncier*) No. 432;

The military camp comprising registered lots Nos. 672, 1700, 1149, 3362, 1905, 2077 and 3669, being lands situated at Tokoin and having a total area of 22 hectares 32 ares 64 centiares (Togolese Law No. 57-23 of 6 June 1957), and registered lots Nos. 1670, 1692, 1789, 2069, 2038, 2090, 2497, 2600, 3201, 2058, 2437, 2039, 2146 and 6021, being lands adjoining those aforementioned and having an area of 1 hectare 54 ares 55 centiares (Togolese Law No. 58-42 of 29 March 1958);

The police camp and residential buildings constructed thereon, registered lot No. 3603 (Togolese Law No. 57-52 of 27 September 1957), having an area of 8 hectares 80 ares 42 centiares;

The Department of Mines and Geology (registered lot No. 2242).

(2) At Dapango :

One residential building on the airfield.

¹ Came into force on 23 December 1968, the date of the last of the notifications by which the contracting parties informed each other of the accomplishment of the constitutional procedures required, in accordance with article VIII.

² See p. 23, 29, 35, 73, 87, 107, 123 and 147 of this volume.

Article II

The French Republic shall relinquish its leasehold, under the agreement of 25 March-17 April 1952, of the lands acquired for the Lomé aerodrome and of the existing buildings within the perimeter of the said aerodrome, as listed in the schedule annexed to the present agreement.

Upon the entry into force of the present agreement, the Togolese Republic shall assume full and complete responsibility for the operation (personnel and plant) and equipping of the Lomé aerodrome.

However, the foregoing provisions shall not affect the conditions on which the residential buildings and installations referred to in the first paragraph of this article are used by the Agency for Air Safety.

Article III

The Togolese Republic shall grant to the French Republic a thirty-three-year renewable lease, at a rent to be determined by mutual agreement, on the following buildings situated at Lomé :

- No. 51, Rue du Colonel-Deroux;
- No. 28, Avenue des Eucalyptus;
- No. 157 *bis*, Avenue du Général-de-Gaulle;
- No. 44, Rue Paul-Louis-Mahoux.

Article IV

The Togolese Republic shall grant to the French State a leasehold of the following lands, including, in addition to possession of the existing buildings, works and structures, the right to construct new ones :

- (1) Part of registered lots Nos. 431 TT and 611 TT, having an area of 158 ares 18 centiares, situated between Boulevard de la République (Marina), Avenue Albert-Sarraut, Avenue du Général-de-Gaulle and Rue Paul-Louis-Mahoux;
- (2) Part of registered lot No. 522 TT, comprising a parcel of 50 ares, situated between Rue Bissagné and Avenue du Général-de-Gaulle.

Article V

The French public agencies whose property is deemed to be private property are the following :

- The Central Fund for Economic Co-operation (Caisse centrale de coopération économique);
- The Office of Overseas Scientific Research (Office de la recherche scientifique outre-mer).

Article VI

The two States agree that real property the ownership or possession of which is assigned by the present agreement shall be transferred to the assignee in the condition in which it is at the time of the transfers in question.

Article VII

The said transfers shall not be subject to any duties or taxes.

Article VIII

Each of the two Contracting Parties shall notify the other of the completion of the constitutional procedures required for the entry into force of this Protocol, which shall take effect as from the date of the later notification.

DONE at Lomé, in duplicate, on 30 April 1968.

For the Government
of the French Republic :

C. ROSTAIN

For the Government
of the Togolese Republic :

J. HUNLEDE

ANNEX TO THE PROTOCOL FOR THE SETTLEMENT OF REAL PROPERTY
QUESTIONS BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC
AND THE GOVERNMENT OF THE TOGOLESE REPUBLIC

SOLE ARTICLE

The lands acquired for the Lomé aerodrome and the buildings within the perimeter of the said aerodrome, as referred to in article II of the Protocol for the Settlement of Real Property Questions, are as follows :

A. Lands

Registered lot No. TT 1043, having an area of 208 ha 10 a 93 ca. These lands include the runway, 2,000 metres in length.

*B. Buildings**1. Technical and administrative installations :*

Complex comprising terminal building, technical unit and control tower;
Annex (security and fire station, caretaker's quarters, garage, storehouse, power generator unit);
Direction-finding station and landing beacon;

Transmitter Centre complex (building housing the transmitters, the radio beacon and the power generator unit, three 26-metre masts, one 42 metre mast);

ASECNA offices, comprising a main building of approximately 285 square metres (old weather station) and annexes (garage, power generator house, toilets, shower-baths, hydrogen store).

2. *Old airport buildings now used for other purposes :*

One stop-over building (now occupied by the Aeroclub);

One hotel and bar (now a storehouse of the Ministry of Public Works);

One residential building (now a storehouse for the Ministry of Public Works);

One garage-workshop hangar (Ministry of Public Works);

One administrative building (used as an office and storehouse by the Ministry of Public Works).

3. *Buildings for residential use :*

Villa No. 1 (approximately 200 square metres with garage, built by the National Meteorological Service), official residence of the Chief of the National Meteorological Service;

Villa No. 2 (approximately 200 square metres, built by IGN), used as a storehouse;

Villa No. 3 (approximately 200 square metres, built by the Air Navigation Service), official residence of the Chief of the Infrastructure Service;

Villa No. 5 (approximately 150 square metres, built by the Air Navigation Service), occupied by the aerodrome commander;

Villa No. 6 (approximately 150 square metres, built by the Air Navigation Service), occupied by the Chief of the Air Navigation Service;

Villa No. 7 (approximately 150 square metres, built by the Air Navigation Service), used for transient occupation;

Double villa No. 8 A — 8 B (approximately 285 square metres, built by the National Meteorological Service), occupied by Air Navigation staff.

DONE at Lomé, in duplicate, on 30 April 1968.

For the Government
of the French Republic :

C. ROSTAIN

For the Government
of the Togolese Republic :

J. HUNLEDE

EXCHANGE OF LETTERS

I

[EMBLEM]

THE MINISTER FOR FOREIGN AFFAIRS

Lomé, 30 April 1968

Sir,

With reference to article III of the Protocol for the Settlement of Real Property Questions signed today between the Government of the Togolese Republic and the French Republic, article III, which stipulates that "The Togolese Republic shall grant to the French Republic a thirty-three-year renewable lease, at a rent to be determined by mutual agreement, on the following buildings situated at Lomé :

- No. 51, Rue du Colonel-Deroux;
- No. 28, Avenue des Eucalyptus;
- No. 157 *bis*, Avenue du Général-de-Gaulle;
- No. 44, Rue Paul-Louis-Mahoux."

I have the honour to inform you that the Togolese authorities set the rent of the aforementioned buildings at 1 franc CFA (one franc CFA) for the term of the Protocol.

If the foregoing meets with your approval, my present letter and your reply shall constitute an exchange of letters forming an integral part of the Protocol for the Settlement of Real Property Questions signed by my country and yours.

Accept, Sir, etc.

J. HUNLEDE

His Excellency Mr. Claude Rostain
Ambassador of the French Republic
Lomé

II

EMBASSY OF FRANCE IN TOGO

Lomé, 30 April 1968

Sir,

In your letter of today's date, you informed me as follows :

[*See letter I*]

I have the honour to confirm to you that the Government of the French Republic is in agreement with these proposals.

Accept, Sir, etc.

Claude-François ROSTAIN

His Excellency Mr. Hunlede
Minister for Foreign Affairs
Lomé