

No. 11263

**UNITED STATES OF AMERICA
and
TOGO**

Exchange of notes constituting an agreement for United States Government participation in the Caisse nationale de sécurité sociale for Togolese employees of the United States Government in the Republic of Togo. Lomé, 17 and 26 March 1971

Authentic texts: English and French.

Registered by the United States of America on 4 August 1971.

**ÉTATS-UNIS D'AMÉRIQUE
et
TOGO**

Échange de notes constituant un accord sur la participation du Gouvernement des États-Unis à la Caisse nationale de sécurité sociale pour les employés togolais du Gouvernement des États-Unis au Togo. Lomé, 17 et 26 mars 1971

Textes authentiques: anglais et français.

Enregistré par les États-Unis d'Amérique le 4 août 1971.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND TOGO FOR UNITED STATES GOVERNMENT PARTICIPATION IN THE CAISSE NATIONALE DE SÉCURITÉ SOCIALE FOR TOGOLESE EMPLOYEES OF THE UNITED STATES GOVERNMENT IN THE REPUBLIC OF TOGO

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LE TOGO SUR LA PARTICIPATION DU GOUVERNEMENT DES ÉTATS-UNIS À LA CAISSE NATIONALE DE SÉCURITÉ SOCIALE POUR LES EMPLOYÉS TOGOLAIS DU GOUVERNEMENT DES ÉTATS-UNIS AU TOGO

I

No. 16

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Togolese Republic and has the honor to refer to the Ministry's note No. 32.0/4918 of September 24, 1969 * requesting the United States Government to participate in the Caisse Nationale de Sécurité Sociale for Togolese employees of the United States Government in the Republic of Togo.

The United States Government, with respect to its eligible employees, is prepared to agree to participate voluntarily in the Togolese Social Security system for retirement, family allowance and workman's compensation benefits as provided for in Ordinance 68-16 of August 1968, Arrete 242-56/ITLS, March 15, 1966 and Decree 63-28, January 17, 1964 under the following conditions.

1. All employees of the United States Government in Togo who are nationals or permanent residents of Togo and who are not citizens of the United States shall, within the limits of their eligibility under the Togolese law, be covered under the Togolese system for retirement, family allowance and workman's compensation benefits.

* Not printed.

¹ Came into force on 26 March 1971, the date of the note in reply, in accordance with the provisions of the said notes.

¹ Entré en vigueur le 26 mars 1971, date de la note de réponse, conformément aux dispositions desdites notes.

2. As a result of this Agreement, the United States Government, with respect to the provisions of the Ordinances cited above as they relate to eligible employees;

- a) shall pay contributions as an employer;
- b) shall withhold contributions of this employees as appropriate;
- c) shall remit to the appropriate officials of the Republic of Togo the said contributions;
- d) shall make returns on forms provided by the Republic of Togo;
- e) shall furnish information as may be relevant to the administration of the Ordinance;
- f) shall provide self-audit and self-inspection of its accounts and financial records in lieu of audit and inspection required by any Togolese law for private employers.

3. The Government of Togo shall extend the same retirement, family allowances, and workman's compensation benefits to United States Government employees covered by this Agreement as are enjoyed by other nationals and residents of Togo under Togolese law.

4. The appropriate officials of the Republic of Togo and the United States shall jointly conclude administrative arrangements regulatory in nature for the further implementation of this Agreement. Amendments, modifications, additions, and deletions of provisions in such administrative arrangements may be made by mutual consent throughout the currency of this Agreement.

5. Nothing in this Agreement is to be construed as a waiver of the sovereign immunity of the United States Government or as a modification of the privileges and immunities derived from generally accepted principles of international law and practice and from the treaties and agreements in force between our respective governments.

Nor shall this Agreement subject the United States, its departments or establishments or its officers or employees who are not within the group described in numbered paragraph 1 of this note to any judicial or administrative action, whether civil or penal in nature, provided by the legislation governing the Social Security System of Togo or any other law.

The Embassy proposes that, if these conditions are acceptable to the Ministry, this note and the Ministry's reply concurring therein shall constitute an agreement between our two governments and shall enter into force on the date of the Ministry's note.

The Embassy of the United States of America avails itself of this occasion to renew to the Ministry of Foreign Affairs of the Togolese Republic the assurances of its highest consideration.

The Embassy of the United States of America

Lomé, March 17, 1971

Le Ministère des Affaires Étrangères saisit cette occasion pour renouveler à l'Ambassade des États-Unis d'Amérique les assurances de sa haute considération.

Lomé, le 26 mars 1971.

Ambassade des États-Unis d'Amérique au Togo
Lomé

[TRANSLATION ¹ — TRADUCTION ²]

No. 48/1410

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to acknowledge receipt of the Embassy's note No. 16 of March 17, 1971, which reads as follows:

[*See note I*]

The Ministry of Foreign Affairs concurs in the provisions contained in the note quoted above. That note and this reply constitute an agreement in due and proper form between the Governments of the United States of America and the Togolese Republic.

The Ministry of Foreign Affairs avails itself of this occasion to renew to the Embassy of the United States of America the assurances of its high consideration.

Lomé, March 26, 1971.

Embassy of the United States of America in Togo
Lomé

¹ Translation supplied by the Government of the United States of America.

² Traduction fournie par le Gouvernement des États-Unis d'Amérique.