

No. 14352

**FEDERAL REPUBLIC OF GERMANY
and
UPPER VOLTA**

**Agreement concerning financial assistance (with annex).
Signed at Ouagadougou on 17 April 1974**

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 7 October 1975.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
HAUTE-VOLTA**

Accord d'aide financière (avec annexe). Signé à Ouagadougou le 17 avril 1974

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 7 octobre 1975.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ CONCERNING FINANCIAL ASSISTANCE BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE REPUBLIC OF THE UPPER VOLTA

The Government of the Federal Republic of Germany and the Government of the Republic of the Upper Volta,

Considering the friendly relations existing between the Federal Republic of Germany and the Republic of the Upper Volta,

Desiring to consolidate and intensify these friendly relations by fruitful co-operation in the field of development assistance,

Being aware that the maintenance of these relations is the basis for the present Agreement,

Purposing to promote the development of the Upper Volta economy,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of the Republic of the Upper Volta to obtain from the Kreditanstalt für Wiederaufbau (Reconstruction Loan Corporation), Frankfurt-on-Main:

- (a) a loan not tied to specific goods and not exceeding a total of eight million eight hundred and fifty thousand Deutsche Mark, to finance the import of goods to supply current essential civilian needs in accordance with the schedule annexed to this Agreement,
- (b) a further loan not exceeding a total of two million Deutsche Mark for the financing of investment projects of small- and medium-size private enterprises by the Upper Volta Development Bank (Banque Nationale de Développement) (BND),
- (c) a loan not exceeding a total of one million seven hundred and fifty thousand Deutsche Mark for the project "Water supply for nine communal centres",
- (d) a loan not exceeding a total of six million one hundred thousand Deutsche Mark for the project "extension of the Koudougou textile factory (Voltex II)",

provided that, after being studied, these projects — with the exception of those referred to in subparagraphs (a) and (b) — are found to merit support.

(2) The Government of the Federal Republic of Germany shall enable the Deutsche Gesellschaft für wirtschaftliche Zusammenarbeit (DEG) mbH (German Association for Economic Co-operation Ltd.), Cologne, to acquire a participation not exceeding a total of one million three hundred thousand Deutsche Mark in the Upper Volta Development Bank (Banque Nationale de Développement) (BND), provided that, after being studied, the project is found to merit support.

(3) The projects referred to in paragraph 1, subparagraphs (c) and (d), and paragraph 2 may, by agreement between the Government of the Federal Republic of Germany and the Government of the Republic of the Upper Volta, be replaced by other projects.

Article 2. (1) The utilization of these loans and the conditions on which they are granted shall be governed by the contracts to be concluded between the Government of the

¹ Came into force on 17 April 1974 by signature, in accordance with article 8.

Republic of the Upper Volta and the Kreditanstalt für Wiederaufbau; the said contracts shall be subject to the legal provisions applicable in the Federal Republic of Germany.

(2) The conditions for the participation of the Deutsche Gesellschaft für wirtschaftliche Zusammenarbeit (DEG) mbH referred to in article 1, paragraph 2, shall be governed by a participation contract still to be concluded.

(3) As regards the participation of the Deutsche Gesellschaft für wirtschaftliche Zusammenarbeit (DEG) mbH referred to in article 1, paragraph 2, the Government of the Republic of the Upper Volta shall guarantee the free transfer of capital, of profits and, in the event of sale or liquidation of the proceeds of the sale or liquidation.

Article 3. The Government of the Republic of the Upper Volta shall exempt the Kreditanstalt für Wiederaufbau and the Deutsche Gesellschaft für wirtschaftliche Zusammenarbeit (DEG) mbH from all taxes and other public charges levied in the Republic of the Upper Volta at the time of the conclusion or execution of the loan contracts referred to in article 2, paragraph 1, and of the participation contract referred to in article 2, paragraph 2.

Article 4. The Government of the Republic of the Upper Volta shall allow passengers and suppliers a free choice of transport enterprises for such transportation of passengers and goods by sea and air as results from the granting of financial assistance, shall refrain from taking measures that might exclude or impede the participation of transport enterprises which have their headquarters in the German area of application of this Agreement and shall issue the necessary permits, if any.

Article 5. Contracts for deliveries and performances in respect of projects financed by the loans referred to in article 1, paragraph 1, subparagraphs (c) and (d), shall be awarded by international public tender, unless otherwise stipulated in individual cases.

Article 6. The Government of the Federal Republic of Germany is particularly desirous that, for deliveries resulting from the granting of the loans, preference should be given to the products of the industry of *Land Berlin*.

Article 7. With the exception of those provisions of article 4 which relate to air traffic, this Agreement shall also apply to *Land Berlin*, provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Government of the Republic of the Upper Volta within three months of the entry into force of this Agreement.

Article 8. This Agreement shall enter into force on the date of its signature.

DONE at Ouagadougou on 17 April 1974, in duplicate in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

[Signed]

VERGAU

Ambassador of the Federal Republic of Germany

For the Government of the Republic of the Upper Volta:

[Signed]

TIEMOKO MARC GARANGO

Quartermaster-General
Minister of Finance

ANNEX

TO THE AGREEMENT CONCERNING FINANCIAL ASSISTANCE OF 17 APRIL 1974

I. Schedule of goods in accordance with article 1, the import of which may be financed by the Republic of the Upper Volta in an amount not exceeding eight million eight hundred and fifty thousand Deutsche Mark:

1. Industrial raw materials and auxiliary materials, and semi-manufactures;
2. Industrial equipment;
3. Spare parts and accessories of all kinds;
4. Chemical products;
5. Agricultural machinery and implements;
6. Other articles of importance for the economic development of the Upper Volta.

II. Imports in accordance with the above schedule should include as wide a variety of goods as possible. Imports of goods not covered by this schedule may be financed only with the prior agreement of the Government of the Federal Republic of Germany.

The import of luxury goods and of any goods used for purposes of non-civilian equipment shall be excluded from the scope of assistance for the purchase of goods.
