

**No. 16361**

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**FEDERAL REPUBLIC OF GERMANY  
and  
GAMBIA**

**Agreement regarding economic and technical co-operation.  
Signed at Banjul on 5 March 1976**

*Authentic texts: German and English.*

*Registered by the Federal Republic of Germany on 1 February 1978.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
GAMBIE**

**Accord de coopération économique et technique. Signé à  
Banjul le 5 mars 1976**

*Textes authentiques : allemand et anglais.*

*Enregistré par la République fédérale d'Allemagne le 1<sup>er</sup> février 1978.*

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE REPUBLIC OF [THE] GAMBIA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY REGARDING ECONOMIC AND TECHNICAL CO-OPERATION

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The Government of the Republic of The Gambia and the Government of the Federal Republic of Germany,

On the basis of the friendly relations existing between the two States and their peoples,

Desiring to intensify those relations,

Considering their common interest in promoting economic and social progress in their States, and

Recognizing the benefits to be derived by both States from closer technical co-operation,

Have agreed as follows:

*Article 1.* (1) The Contracting Parties shall endeavour to co-operate and assist each other on the basis of the present Agreement.

(2) They may conclude arrangements regarding individual projects of technical co-operation.

*Article 2.* (1) The arrangements referred to in article 1 (2) of the present Agreement may provide that the Government of the Federal Republic of Germany shall:

- (a) assist in the establishment of training and advisory centres as well as other facilities in The Gambia by sending to The Gambia teachers and specialists, and by providing equipment;
- (b) engage consultants to make studies for individual projects;
- (c) send experts to The Gambia to carry out special tasks and provide them with their professional outfit;
- (d) place advisers at the disposal of the Government of the Republic of The Gambia;
- (e) support co-operation between the two countries in the field of education and training;
- (f) promote co-operation between scientific institutions in both countries by dispatching, or procuring the services of, scientific and technical personnel, and by providing equipment.

(2) All personnel sent to The Gambia by the Government of the Federal Republic of Germany will hereinafter be referred to as "specialists."

(3) The Government of the Federal Republic of Germany shall meet the cost of transporting and insuring the equipment it has supplied for the individual projects as far as the project station; this shall not include the cost of storage in The Gambia.

*Article 3.* (1) The Government of the Federal Republic of Germany shall endeavour:

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<sup>1</sup> Came into force on 5 March 1976 by signature, in accordance with article 10 (1).

- (a) to promote the advanced training of Gambian specialists, high-level personnel, scholars and scientists in the Federal Republic of Germany or other countries;
- (b) to arrange for the training and advanced training of Gambian nationals in the Federal Republic of Germany or at institutions promoted under German Technical Assistance programmes.

(2) The execution of the measures envisaged in paragraph 1 above, especially with regard to the acceptance of applicants for training under promotion programmes, shall be subject to separate arrangements.

(3) The Government of the Republic of The Gambia shall recognize examinations passed by Gambian nationals in the Federal Republic of Germany in accordance with their respective standard. It shall afford the persons concerned such opportunities with regard to careers, appointments and advancement as are commensurate with their education and training.

*Article 4.* The Government of the Republic of The Gambia shall:

- (a) provide for the projects in the Republic of The Gambia the land and buildings required, including equipment for the buildings in so far as it is not supplied by the Government of the Federal Republic of Germany;
- (b) assist the specialists sent to The Gambia, in finding dwellings;
- (c) exempt from harbour dues, import and export duties and other public charges as well as storage costs, the articles supplied for the projects on behalf of the Government of the Federal Republic of Germany. The importation of the articles supplied shall not be subject to licensing;
- (d) bear the cost of operation and maintenance in respect of the projects in accordance with a plan to be drawn up jointly;
- (e) make available at its expense Gambian technical and auxiliary personnel as required;
- (f) ensure that, after a reasonable period of time, the specialists sent to The Gambia are replaced by qualified Gambian specialists. As far as the latter are to receive training in the Federal Republic of Germany or another country, it shall in good time and with the assistance of the appropriate German mission or of experts designated by that mission nominate a sufficient number of candidates for such training and meet the cost of their journey there and back. It shall nominate only such candidates as have given an undertaking that they will serve on the relevant project for at least five years upon their return. It shall ensure that they are graded and paid according to their qualifications;
- (g) ensure that all authorities and organizations concerned with the implementation of the present Agreement are fully informed of its contents in good time.

*Article 5.* (1) The Government of the Federal Republic of Germany shall ensure that the service or work contracts concluded with the specialists sent to The Gambia contain obligations pledging them:

- (a) to do their best, within the framework of the arrangements concluded on their work, to help achieve the purposes set forth in Article 55 of the United Nations Charter,
- (b) not to interfere in the internal affairs of the Republic of The Gambia,
- (c) to obey the laws and respect the ways of life and customs of the Republic of The Gambia,

- (d) not to engage in any gainful occupation other than that to which they have been assigned, and
- (e) to co-operate in a spirit of mutual confidence with the official agencies in the Republic of The Gambia.

(2) If the Government of the Republic of The Gambia wishes a specialist to be recalled in the interest of co-operation on a basis of partnership, it shall in good time contact the appropriate mission of the Federal Republic of Germany and explain the reasons for its request. Similarly, when intending to recall a specialist of its own accord, the Government of the Federal Republic of Germany shall contact the Government of the Republic of The Gambia at the earliest possible date. In both cases the Governments shall co-operate in a spirit of mutual confidence in order to overcome, in the interests of all concerned, any difficulties that may arise over the recall of a specialist. The Government of the Federal Republic of Germany shall replace a recalled specialist as soon as possible.

*Article 6.* (1) The Government of the Republic of The Gambia shall:

- (a) ensure that the specialists and their families receive full protection for their person and their property; the same shall apply to all persons belonging to their households except if they are nationals of the Republic of The Gambia;
- (b) afford persons referred to in sub-paragraph (a) above any assistance they may require for their repatriation in times of international crisis;
- (c) ensure that the persons referred to in sub-paragraph (a) above will be safe from arrest or detention and in any event permit them to leave the country unhindered, in particular if the Government of the Federal Republic of Germany so requests;
- (d) assume liability in place of the specialists in respect of any damage to their third party caused by them in carrying out a task assigned to them under the present Agreement; any claim against the specialists shall to that extent be precluded; the Republic of The Gambia may not assert any claim for compensation against the specialists, irrespective of any legal foundation of such claim, unless they have caused the damage wilfully or through gross negligence;
- (e) issue to the persons referred to in sub-paragraph (a) above a document of identification containing a reference to the special protection afforded them by the Government of the Republic of The Gambia; the documents issued to the specialists shall also contain an assurance that the national authorities will assist them in the performance of the tasks assigned to them.

(2) The privileges and immunities mentioned in paragraph 1 (c) above shall not be granted for the personal benefit of the persons concerned. The Government of the Federal Republic of Germany may, at the request of the host country, waive them if it considers that they have been abused.

*Article 7.* The Government of the Republic of The Gambia shall:

- (a) permit the persons referred to in article 6 (1) (a) of the present Agreement to enter or leave the country unhindered and free of charge at any time and issue free of charge work and residence permits as required;
- (b) levy no taxes or other fiscal charges on payments made from funds of the Government of the Federal Republic of Germany to the specialists for services rendered under the present Agreement; the same shall apply to any payments made to building and consulting firms;

- (c) permit the persons referred to in article 6 (1) (a) of the present Agreement to import for the duration of 6 months after taking up their activities, duty and tax free and without providing security, articles intended for their personal use; such articles shall also include for each household, one motor vehicle, one refrigerator, one deep-freezer, one washing machine, one cooker, one radio, one television set, one record player, one tape-recorder, small electrical appliances, as well as for each person one air-conditioner, one heater, one fan, and one set of photographic and cine equipment; it shall also be permitted to import replacements, duty and tax free and without providing security, for such articles imported upon first entry as have become unserviceable or been lost;
- (d) permit the persons referred to in article 6 (1) (a) of the present Agreement to import duty and tax free, for their personal requirements, medicaments, foodstuffs, beverages and other articles of daily use.

*Article 8.* The provisions of the present Agreement shall also apply to those specialists who, at the time of entry into force of this Agreement, are already active in The Gambia within the framework of technical co-operation between the Contracting Parties; the same shall apply to the other persons referred to in article 6 (1) of this Agreement.

*Article 9.* The present Agreement shall also apply to Land Berlin, provided that the Government of the Federal Republic of Germany does not make a contrary declaration to the Government of the Republic of The Gambia within three months after the entry into force of this Agreement.

*Article 10.* (1) The present Agreement shall enter into force on the date of signature thereof and shall be valid for a period of five years.

(2) The present Agreement shall thereafter be extended for successive periods of one year, unless it is denounced in writing by either Contracting Party three months prior to the expiry of any such period.

(3) Any projects of technical co-operation agreed upon prior to the expiry of the present Agreement shall, until their completion, remain subject to its provisions after expiry.

DONE at Banjul on 5th March 1976 in duplicate in the English and German languages, both texts being equally authentic.

For the Government  
of the Republic of The Gambia:

[Signed]

A. B. NJIE  
Minister of External Affairs

For the Government  
of the Federal Republic  
of Germany:

[Signed]

A. TÖRÖK  
Ambassador