

No. 18415

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**FEDERAL REPUBLIC OF GERMANY**  
**and**  
**MALI**

**Agreement concerning economic and technical co-operation  
(with exchange of letters). Signed at Bamako on 11 October 1977**

*Authentic texts: German and French.*

*Registered by the Federal Republic of Germany on 28 March 1980.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**  
**et**  
**MALI**

**Accord de coopération économique et technique (avec  
échange de lettres). Signé à Bamako le 11 octobre 1977**

*Textes authentiques : allemand et français.*

*Enregistré par la République fédérale d'Allemagne le 28 mars 1980.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FEDERAL  
REPUBLIC OF GERMANY AND THE GOVERNMENT OF  
THE REPUBLIC OF MALI CONCERNING ECONOMIC AND  
TECHNICAL CO-OPERATION

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

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

Desiring to enhance those relations,

Considering their common interest in furthering the economic and social progress of their States, and

Recognizing the advantages that will accrue to both States from closer economic and technical co-operation,

Have agreed as follows:

*Article 1.* (1) The Government of the Federal Republic of Germany and the Government of the Republic of Mali shall seek to co-operate and assist each other on the basis of this Agreement.

(2) As part of that co-operation, they may conclude arrangements concerning economic and technical co-operation projects.

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

- (a) Support co-operation between the two countries in education and training, particularly in the establishment of schools, for workshops for apprentices, facilities for specialized vocational training and other facilities in Mali, assign teachers and experts, and provide equipment;
- (b) Commission experts to prepare studies for individual projects; the procedure for initiating the studies shall be the subject of an exchange of letters between the Government of the Federal Republic of Germany and the Government of the Republic of Mali;
- (c) Dispatch experts to Mali on special assignments and provide them with their professional equipment;
- (d) Place advisers at the disposal of the Government of Mali;
- (e) Promote co-operation between the scientific institutions of both countries by dispatching, or enlisting the services of, scientific and technical personnel and providing equipment.

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

<sup>1</sup> Came into force on 11 October 1977, by signature, in accordance with article 11 (1).

(3) The Government of the Federal Republic of Germany shall defray the cost of transporting and insuring the equipment it has supplied for the individual projects up to the project site, except for the cost of storage in the territory of Mali.

*Article 3.* (1) The arrangements referred to in article 1, paragraph (2), of this Agreement may provide that the Government of the Federal Republic of Germany shall:

- (a) Ensure the advanced training of managers, Malian specialists and scientists in the Federal Republic of Germany or another country; the relevant return travel costs shall be borne by the Government of the Federal Republic of Germany;
- (b) Provide opportunities for the regular and advanced training of Malian citizens in the Federal Republic of Germany or at institutions sponsored under German technical assistance programmes.

(2) The Government of the Republic of Mali shall, in accordance with its relevant legislation, recognize the diplomas and certificates of practical training awarded to Malian citizens in the Federal Republic of Germany in accordance with their respective levels and with the criteria jointly established by both Parties.

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

- (a) Provide, at its own expense, the necessary land and buildings for the projects to be executed in Mali, 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 in finding suitable housing, the costs to be borne by the Government of the Federal Republic of Germany and/or the specialists themselves;
- (c) Exempt the articles supplied under this Agreement for the projects from harbour dues, import and export duties and other fiscal charges, and storage charges in the territory of Mali;
- (d) Defray the cost of operating and maintaining the projects;
- (e) Determine and defray the cost of providing Malian specialized and auxiliary personnel, as required in each case;
- (f) Ensure that, after reasonable period of time, the specialists are replaced by Malian specialists; to the extent that Malian specialists are to receive training in the Federal Republic of Germany or another country, it shall designate, in good time and with the assistance of the German mission to the Republic of Mali, a sufficient number of candidates for such training; it shall designate only such candidates as have pledged to serve on the specific project for at least five years after their return; it shall ensure that these Malian specialists are graded according to their qualifications and paid in accordance with relevant Malian legislation;
- (g) Ensure that all authorities and organizations concerned with the implementation of this 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 specialists sent to Mali undertake in their service or work contracts:

- (a) To do their utmost to help achieve the purposes established under this Agreement and the arrangements for the projects;

- (b) Not to interfere in the internal affairs of the Republic of Mali and to refrain from any action, declaration or communication which might be prejudicial to the Republic of Mali and its institutions;
- (c) To obey the laws and respect the traditions and customs of the Republic of Mali;
- (d) Not to engage in any gainful occupation other than that to which they have been assigned under their service or work contracts;
- (e) To co-operate in a spirit of mutual confidence with the official agencies of Mali.

(2) The Government of the Federal Republic of Germany shall ensure that the families of specialists are informed of their obligation to comply with the conditions set forth in paragraph 1, subparagraphs (b) and (c).

(3) The Government of the Republic of Mali may request that a specialist should be recalled in the interest of co-operation between partners. In such a case, it shall contact the mission of the Federal Republic of Germany in the Republic of Mali in good time and state the reasons for its request.

Similarly, when proposing to recall a specialist of its own accord, the Government of the Federal Republic of Germany shall contact the Government of the Republic of Mali as soon as possible and state its reasons.

In both cases, the Governments shall co-operate in a spirit of mutual confidence in order to overcome, in the interests of all parties concerned, any difficulties that may arise concerning the recall of a specialist. The Government of the Federal Republic of Germany shall replace a recalled specialist as soon as possible.

(4) The curricula vitae and professional references of specialists shall be sent to the Government of the Republic of Mali for prior approval. If the Government of the Republic of Mali does not signify its refusal within two months, its approval shall be deemed to have been granted.

In the case of refusal by the Government of the Republic of Mali, the Government of the Federal Republic of Germany shall propose a new candidate as soon as possible.

*Article 6.* The Government of the Republic of Mali shall:

- (a) Help and protect the specialists and their family members;
- (b) Assume, in lieu of the German specialists, liability in respect of any damage to third parties caused by them in carrying out an assignment under this Agreement; to that extent, no claim shall be lodged against the specialists; the Republic of Mali may not assert any claim for compensation against the specialists, irrespective of any legal foundation of such claim, unless they have caused damage wilfully or through gross negligence; on the basis of consultation between the two Governments, the Government of the Federal Republic of Germany shall endeavour to support the Government of the Republic of Mali in its effort to enforce its claim for compensation against such specialists;
- (c) Ensure that the German specialists and their family members are not subjected to arrest or detention for their acts of commission or omission, including oral and written statements, during an assignment under this Agreement.

If the two Governments jointly establish that an offence has occurred, the privileges referred to above may be waived at the request of the Government of the Republic of Mali, if the two Governments so agree.

In addition, at the request of either Government, the two Governments shall hold consultations in order to find a satisfactory solution in cases where a German specialist has been held responsible under criminal law.

In the case of a punishable offence unrelated to their work, the specialists shall be subject to the laws and administrative regulations in force in Mali.

This shall likewise apply to the persons referred to in subparagraph (a) above.

(2) The rights referred to in paragraph 1, subparagraph (c), above shall be granted in the interest of the Government of the Federal Republic of Germany and the Government of the Republic of Mali and not for the personal benefit of those concerned.

(3) In the event of a dispute concerning the interpretation of the expression "wilfully or through gross negligence" referred to in paragraph 1, subparagraph (b), the two Governments shall hold consultations in order to settle the dispute in a satisfactory manner.

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

- (a) Permit the persons referred to in article 6, paragraph (1), subparagraph (a), of this Agreement to enter and leave the country unhindered and free of charge at any time, and issue free of charge residence permits as required; the approval referred to in article 5, paragraph (4), shall count as a work permit;
- (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, planning officers and enterprises for services rendered under this Agreement; however, taxes and fiscal charges shall be levied for services such as the licensing of firearms and refuse disposal and shall be paid to the communes and local authorities;
- (c) Permit the persons referred to in article 6, paragraph (1), subparagraph (a), of this Agreement to import, duty-free, at the time of their initial installation and during the three-month period following their arrival in Mali, their used personal effects and furniture intended for their dwellings; and for each household, one refrigerator, one deep-freezer, one washing machine, one cooker, one radio, one television set, one record player, one tape recorder and standard electrical appliances; and for each person, one air-conditioner, one heater, one fan and one set of non-professional photographic and movie equipment;
- (d) Grant the privileges to import one motor vehicle per household on a temporary basis; the period of temporary import shall be twenty (20) months and not subject to extension;

After this period, the specialist shall be obliged to re-export the motor vehicle in question or to pay the fees and duties prescribed by Malian law on the residual value of the vehicle, unless he transfers the vehicle to a person who enjoys the same privileges. The import of a further vehicle shall be subject to the same conditions.

*Article 8.* The provisions of this Agreement shall also apply to those German specialists who, at the time of entry into force of this Agreement, are already active in the Republic of Mali under article 2, paragraph (1), of this Agreement; this provision shall also apply to the other persons referred to in article 6, paragraph (1), subparagraph (a), of this Agreement.

*Article 9.* Any difference of opinion concerning the interpretation and application of the provisions of this Agreement shall be the subject of consultations to be held between the Government of the Federal Republic of Germany and the Government of the Republic of Mali for the purpose of settlement.

*Article 10.* This Agreement shall also apply to *Land Berlin*, provided that the Government of the Federal Republic of Germany does not make a declaration to the contrary to the Government of the Republic of Mali within three months after the entry into force of this Agreement.

*Article 11.* (1) This Agreement shall enter into force on the date of its signature and shall remain in effect for a period of three years; it shall thereafter be automatically renewed for successive periods of one year, unless it is denounced in writing by either Government three months prior to expiration of the relevant period.

(2) Even after the expiration of this Agreement, its provisions shall remain in effect for projects already agreed upon under article 2, paragraph 1, until their completion.

*Article 12.* The Agreement of 2 December 1960 between the Government of the Federal Republic of Germany and the Government of the Republic of Mali concerning technical and economic co-operation shall cease to have effect upon the entry into force of this Agreement.

DONE at Bamako on 11 October 1977 in duplicate, in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

HANS-ALBRECHT SCHRAEPLER  
[Ambassador Extraordinary and Plenipotentiary  
of the Federal Republic of Germany]<sup>1</sup>

For the Government of the Republic of Mali:

[Lieutenant-Colonel]<sup>1</sup> KARIM DEMBELE  
[Minister of Transport and Public Works]<sup>1</sup>  
[Acting Minister for Foreign Affairs and International Co-operation]<sup>1</sup>  
[Grand officier de l'Ordre national]<sup>1</sup>

<sup>1</sup> Text between brackets appears only in the French authentic text.

## EXCHANGE OF LETTERS

## Ia

EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY

Bamako, 11 October 1977

Sir,

With reference to the negotiations on the Agreement concerning economic and technical co-operation, concluded today between our Governments, I have the honour to inform you that paragraph 7 of the German Criminal Code reads as follows:

“German criminal law shall apply to offences committed abroad against a German national if the offence is punishable in the place where it was committed or if that place is not subject to any penal jurisdiction.

“In the case of other offences committed abroad, German criminal law shall apply if the offence is punishable in the place where it was committed or if that place is not subject to any penal jurisdiction and if the offender:

- “1. Was a German national at the time of the offence or subsequently became a German national;
- “2. Was not a German national at the time of the offence, is present in the Federal Republic of Germany and, although, given the nature of the offence, is subject to extradition under the law, is not extradited because a request for extradition has not been made, or has been denied, or if the extradition cannot be carried out”.

Accept, Sir, etc.

HANS-ALBRECHT SCHRAEPLER  
[Ambassador Extraordinary and Plenipotentiary  
of the Federal Republic of Germany]<sup>1</sup>

His Excellency Lieutenant-Colonel Karim Demebele  
Minister of Transport and Public Works  
Acting Minister for Foreign Affairs  
and International Co-operation  
*Grand officier de l'Ordre national*  
[Koulouba]<sup>2</sup>

## IIa

Bamako, 11 October 1977

Sir,

I have the honour to acknowledge receipt of your letter dated 11 October 1977, which reads as follows:

[See letter Ia]

<sup>1</sup> Text between brackets appears only in the French authentic text.

<sup>2</sup> Text between brackets appears only in the German authentic text.

I have the honour to take full note herewith of the information which you were good enough to give me.

Accept, Sir, etc.

Lieutenant-Colonel KARIM DEMBELE  
Minister of Transport and Public Works  
Acting Minister for Foreign Affairs  
and International Co-operation  
*Grand officier de l'Ordre national*

Mr. Hans-Albrecht Schraepler  
Ambassador Extraordinary and Plenipotentiary  
of the Federal Republic of Germany

*Ib*

EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY

Bamako, 11 October 1977

Sir,

With reference to articles 6 and 8 of the Agreement concerning economic and technical co-operation, signed today between our Governments, I have the honour to propose the following:

1. If the approval of the Republic of Mali for the assignment of a non-German specialist is forthcoming or is deemed to have been given in accordance with article 5, paragraph (4), of the Agreement concerning economic and technical co-operation, article 6, paragraph (1), subparagraphs (b) and (c), which refer to German specialists, shall apply to the aforesaid non-German specialist and his family.

2. The above-mentioned Agreement shall also apply to non-German specialists who, at the time of entry into force of this Agreement, are already active in the Republic of Mali in accordance with article 2, paragraph (1), of the Agreement. The same provisions shall apply to their families.

Please confirm your Government's assent to the proposals submitted in paragraphs 1 and 2 above.

Accept, Sir, etc.

HANS-ALBRECHT SCHRAEPLER  
[Ambassador Extraordinary and Plenipotentiary  
of the Federal Republic of Germany]<sup>1</sup>

His Excellency Lieutenant-Colonel Karim Dembele  
Minister of Transport and Public Works  
Acting Minister of Foreign Affairs  
and International Co-operation  
*Grand officier de l'Ordre national*  
[Koulouba]<sup>2</sup>

<sup>1</sup> Text between brackets appears only in the French authentic text.

<sup>2</sup> Text between brackets appears only in the German authentic text.

I**b**

Bamako, 11 October 1977

Sir,

I have the honour to acknowledge receipt of your letter dated 11 October 1977, which reads as follows:

[*See letter Ib*]

I have the honour to confirm hereby that my Government agrees to these provisions.

Accept, Sir, etc.

Lieutenant-Colonel KARIM DEMBELE  
Minister of Transport and Public Works  
Acting Minister of Foreign Affairs  
and International Co-operation  
*Grand Officier de l'Ordre national*

Mr. Hans-Albrecht Schraepler  
Ambassador Extraordinary and Plenipotentiary  
of the Federal Republic of Germany

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