

No. 18405

**FEDERAL REPUBLIC OF GERMANY
and
TOGO**

**Agreement concerning technical co-operation. Signed at
Bonn on 17 February 1977**

Authentic texts: German and French.

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

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
TOGO**

**Accord de coopération technique. Signé à Bonn le 17 février
1977**

Textes authentiques : allemand et français.

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

[TRANSLATION — TRADUCTION]

**AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF
THE TOGOLESE REPUBLIC CONCERNING TECHNICAL CO-
OPERATION**

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

On the basis of the friendly relations existing between the two States and desiring to enhance those relations,

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

Aware of the importance of the development of co-operation between the two States and their peoples,

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

Have agreed as follows:

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

(2) They may conclude specific arrangements concerning technical co-operation projects.

Article 2. The specific arrangements referred to in article 1, paragraph 2, may, depending on the nature of the projects, provide that the Government of the Federal Republic of Germany shall:

- (a) Encourage the establishment of training, advisory and other facilities in Togo by dispatching teachers and other specialists and providing the necessary equipment;
- (b) Commission specialists to prepare studies for individual projects;
- (c) Dispatch specialists to Togo on special assignments and provide them with their professional equipment;
- (d) Place advisers at the disposal of the Togolese Republic;
- (e) Encourage co-operation between the two countries in education and training;
- (f) Promote co-operation between scientific institutions in the two countries by dispatching specialized scientific and technical personnel and providing equipment.

Article 3. All personnel dispatched by the Government of the Federal Republic of Germany shall hereinafter be referred to as "specialists".

Article 4. (1) The costs of accommodation for specialists dispatched shall be borne by the Government of the Federal Republic of Germany to the extent that the specialists do not defray them themselves.

¹ Came into force on 17 February 1977 by signature, in accordance with article 12 (1).

(2) The Government of the Federal Republic of Germany shall meet the defray of transporting and insuring the equipment it has supplied for the various projects up to the project site, except for the cost of storage in the Togolese Republic.

Article 5. (1) The Government of the Federal Republic of Germany shall seek to promote the advanced training of Togolese mangers and technicians in the Federal Republic of Germany or other countries. Their relevant return travel costs shall be borne by the Government of the Federal Republic of Germany.

(2) The Government of the Togolese Republic shall recognize the diplomas awarded to its nationals in the Federal Republic of Germany and shall offer them employment opportunities commensurate with their technical levels and basic training.

Article 6. The Government of the Togolese Republic shall:

- (a) Provide the infrastructure (land, offices and other buildings) needed for carrying out the various projects, and the standard equipment for the buildings in so far as it is not supplied by the Government of the Federal Republic of Germany;
- (b) Exempt from all import and export duties and charges any equipment supplied by the Government of the Federal Republic of Germany for the various projects financed from non-reimbursable aid funds; licences shall not be required for importing such equipment;
- (c) Defray the costs of operating and maintaining the projects, in accordance with a plan to be drawn up jointly;
- (d) Make available the necessary skilled Togolese manpower;
- (e) Ensure that, after a reasonable period of time, the specialists dispatched to the Togolese Republic are replaced by qualified Togolese counterparts; to the extent that these counterparts are to receive training in the Federal Republic of Germany or another country, it shall, by agreement with the competent German authorities, designate candidates for training; it shall designate only such candidates as have pledged to serve on the specific project for at least five years after their return.

Article 7. (1) The Government of the Federal Republic of Germany shall ensure that the service or work contracts of the technical assistants sent to the Togolese Republic contain obligations committing them:

- (a) To do their utmost, under the arrangements made concerning 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 Togolese Republic;
- (c) To obey the laws and respect the traditions and customs of the Togolese Republic;
- (d) Not to engage in economic activities that are not covered in their service or work contracts;
- (e) To co-operate in a spirit of mutual confidence with the official agencies of the Togolese Republic.

(2) If the Government of the Togolese Republic wishes a specialist to be recalled in the interest of co-operation between the two Contracting Parties, it shall so inform the German diplomatic mission in the Togolese Republic. Similarly, if the Government of the Federal Republic of Germany wishes to recall a specialist, it shall so in-

form the competent Togolese authorities. In both cases, the Governments shall co-operate in a spirit of mutual confidence in order to overcome, in the interests of all the 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.

Article 8. The Government of the Togolese Republic shall:

- (a) Assume responsibility for protecting the technical assistants, their families and their property;
- (b) Afford the persons referred to in subparagraph (a) above any assistance required for their repatriation in times of international crisis;
- (c) Ensure that the persons referred to in subparagraph (a) above are not subjected to arrest or detention and, at the request of the Government of the Federal Republic of Germany, permit them to leave unhindered, except in the case of an offence or crime; in such a case, consultations shall be held between the two Governments;
- (d) Assume, in lieu of the specialists, liability in respect of any damage to a third party caused by them in carrying out an assignment under this Agreement, except in the case of serious misconduct or gross negligence;
- (e) Help to find appropriate housing for the specialists.

Article 9. The Government of the Togolese Republic shall:

- (a) Grant entry visas and residence permits to the specialists and members of their families;
- (b) Levy no taxes or other charges on remuneration paid to specialists dispatched by the Federal Republic of Germany; the same shall apply to remuneration for the execution of projects financed from non-reimbursable funds and paid to building and consulting firms with their principal place of business in the Federal Republic of Germany or *Land Berlin*;
- (c) Authorize the specialists to import duty-free and tax-free, on their arrival in Togo or within six months after their arrival, articles intended for their personal use; the list of such articles shall be established through an exchange of letters between the two Governments.

Article 10. The provisions of this Agreement shall also apply to specialists who, at the time of its entry into force, are already actively engaged in technical co-operation between the Government of the Federal Republic of Germany and the Government of the Togolese Republic; the same shall apply to the members of their families.

Article 11. 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 Togolese Republic within three months after the entry into force of this Agreement.

Article 12. (1) This Agreement shall enter into force on the date of its signature and shall remain in effect for a period of five years, to be automatically renewed each year unless it is denounced in writing, six months in advance, by one of the Contracting Parties.

(2) If this Agreement is denounced, its provisions shall remain in effect for ongoing projects until their completion.

(3) The Agreement of 20 July 1960 between the Government of the Federal Republic of Germany and the Government of the Togolese Republic concerning economic and technical co-operation shall cease to have effect on the date of entry into force of this Agreement.

DONE at Bonn on 17 February 1977, in duplicate, in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:
GENSCHER

For the Government of the Togolese Republic:
EDEM KODJO
