

No. 18484

**FEDERAL REPUBLIC OF GERMANY
and
SAMOA**

**Agreement concerning financial co-operation. Signed at Apia
on 11 May 1978**

**Exchange of notes constituting an agreement amending the
above-mentioned Agreement. Bonn, 3 and 4 October
1978**

Authentic texts: German and English.

Registered by the Federal Republic of Germany on 14 April 1980.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
SAMOA**

**Accord de coopération financière. Signé à Apia le 11 mai
1978**

**Échange de notes constituant un accord modifiant l'Accord
susmentionné. Bonn, 3 et 4 octobre 1978**

Textes authentiques : allemand et anglais.

Enregistrés par la République fédérale d'Allemagne le 14 avril 1980.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE INDEPENDENT STATE OF WESTERN SAMOA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING FINANCIAL CO-OPERATION

The Government of the Independent State of Western Samoa and the Government of the Federal Republic of Germany,

In the spirit of the friendly relations existing between the Independent State of Western Samoa and the Federal Republic of Germany,

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

Aware that the maintenance of those relations constitutes the basis of the present Agreement,

Intending to contribute to economic and social development in the Independent State of Western Samoa,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of the Independent State of Western Samoa to raise with the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, within the framework of financial co-operation a loan up to DM 13,000,000 (thirteen million Deutsche Mark) for the project "supply of a cargo vessel" if, after examination, it has been found eligible for promotion.

(2) The project referred to in paragraph 1 above may be replaced by other projects if the Government of the Independent State of Western Samoa and the Government of the Federal Republic of Germany so agree.

(3) The Government of the Federal Republic of Germany is willing in principle to furnish, within the scope of existing domestic regulations and provided that the other conditions for cover have been met, guarantees for that proportion of the contract value to a maximum of DM 3,500,000 (three million five hundred thousand Deutsche Mark) not provided for under financial assistance programmes for such export transactions as have been concluded for the purpose of implementing the project referred to in paragraph 1 above by firms having their place of business in the German area of application of the present Agreement. The following articles of the present Agreement shall also apply to the loan provided for in addition to financial co-operation, to the extent that the Kreditanstalt für Wiederaufbau is itself the creditor.

Article 2. (1) The utilization of the loan as well as the terms and conditions on which it is granted shall be governed by the provisions of the agreements to be concluded between the Government of the Independent State of Western Samoa and the Kreditanstalt für Wiederaufbau, which shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

(2) The Government of the Independent State of Western Samoa shall guarantee to the Kreditanstalt für Wiederaufbau all payments in Deutsche Mark

¹ Came into force on 11 May 1978 by signature, in accordance with article 8.

to be made in fulfilment of the liabilities of the Government of the Independent State of Western Samoa under the agreements to be concluded pursuant to paragraph 1 above.

Article 3. The Government of the Independent State of Western Samoa shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other public charges levied in the Independent State of Western Samoa at the time of the conclusion, or during the implementation, of the agreements referred to in article 2 of the present Agreement.

Article 4. The Government of the Independent State of Western Samoa shall allow passengers and suppliers free choice of transport enterprises for such transportation by sea or air of persons and goods as results from the granting of the loan, abstain from taking any measures that might exclude or impair the participation on equal terms of transport enterprises having their place of business in the German area of application of the present Agreement, and grant permits for the participation of such enterprises as required.

Article 5. Supplies and services for projects financed from the loan shall, unless otherwise provided for in individual cases, be subject to public tender restricted to the German area of application of the present Agreement.

Article 6. With regard to supplies and services resulting from the granting of the loan, the Government of the Federal Republic of Germany attaches particular importance to preference being given to making use of the economic potential of Land Berlin.

Article 7. With the exception of those provisions of article 4 which refer to air transport, this 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 Independent State of Western Samoa within three months of the date of entry into force of this Agreement.

Article 8. The present Agreement shall enter into force on the date of signature thereof.

DONE at Apia on 11th May 1978 in duplicate in the English and German languages, both texts being equally authentic.

For the Government
of the Independent State
of Western Samoa:

[Signed — Signé]¹

For the Government
of the Federal Republic of Germany:

[Signed — Signé]²

¹ Signed by Asi Eikeni — Signé par Asi Eikeni.

² Signed by Wolfgang Friedel — Signé par Wolfgang Friedel.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE GOVERNMENT OF THE FEDERAL RE-
PUBLIC OF GERMANY AND THE GOVERNMENT OF THE
INDEPENDENT STATE OF WESTERN SAMOA AMENDING
THE AGREEMENT OF 11 MAY 1978 CONCERNING FINAN-
CIAL CO-OPERATION²

I

[GERMAN TEXT — TEXTE ALLEMAND]

DER STAATSSSEKRETÄR IM AUSWÄRTIGEN AMT

Bonn, den 3. Oktober 1978

Herr Minister,

ich beehre mich, Ihnen im Namen der Regierung der Bundesrepublik Deutschland unter Bezugnahme auf das Abkommen zwischen unseren beiden Regierungen vom 11. Mai 1978 über Finanzielle Zusammenarbeit folgende Vereinbarung vorzuschlagen:

1. In Abänderung des Artikels 1 Absatz 1 des eingangs erwähnten Abkommens vom 11. Mai 1978 wird der dort zugesagte Darlehensbetrag in Höhe von 13,0 Millionen DM (in Worten: Dreizehn Millionen Deutsche Mark) in einen Finanzierungsbeitrag umgewandelt.

2. In Abänderung des Artikels 1 Absatz 3 der eingangs erwähnten Abkommen vom 11. Mai 1978 ist die Regierung der Bundesrepublik Deutschland bei Vorliegen der übrigen dort genannten Voraussetzungen bereit, Bürgschaften für den nicht im Rahmen der Finanziellen Zusammenarbeit finanzierten Teil des Auftragswertes von bis zu 7,0 Millionen DM (in Worten: Sieben Millionen Deutsche Mark) zu übernehmen.

3. Die Verwendung des Finanzierungsbeitrages sowie die Bedingungen, zu denen er gewährt wird, bestimmt der zwischen der Kreditanstalt für Wiederaufbau und der Regierung des Unabhängigen Staates von Westsamoa abzuschließende Finanzierungsvertrag, der den in der Bundesrepublik Deutschland geltenden Rechtsvorschriften unterliegt.

4. Auf die in Artikel 2 Absatz 2 des eingangs erwähnten Abkommens vom 11. Mai 1978 enthaltene Garantie der Zentralbank von Westsamoa wird verzichtet.

5. Im übrigen gelten die Bestimmungen des eingangs erwähnten Abkommens vom 11. Mai 1978 einschließlich der Berlin-Klausel (Artikel 7) auch für diese Vereinbarung.

Falls sich die Regierung des Unabhängigen Staates von Westsamoa mit den in Nummern 1 bis 5 gemachten Vorschlägen einverstanden erklärt, werden diese Note und die das Einverständnis Ihrer Regierung zum Ausdruck bringende Antwortnote Eurer Exzellenz eine Vereinbarung zwischen unseren beiden Regierungen bilden, die mit dem Datum Ihrer Antwortnote in Kraft tritt.

¹ Came into force on 4 October 1978, the date of the note in reply, in accordance with the provisions of the said notes.

² See p. 148 of this volume.

Genehmigen Sie, Herr Minister, die Versicherung meiner ausgezeichnetsten Hochachtung.

PETER HERMES

An den Finanzminister
des Unabhängigen Staates Westsamoa
S.E. V. Filipo

[TRANSLATION — TRADUCTION]

THE SECRETARY OF STATE AT THE FOREIGN OFFICE

Bonn, 3 October 1978

Excellency,

[*See note II*]

PETER HERMES

The Minister of Finance
of the Independent State of Western Samoa
H.E. V. Filipo

II

THE MINISTER OF FINANCE OF THE INDEPENDENT STATE OF WESTERN SAMOA

Bonn, 4 October 1978

Excellency,

I have the honour to confirm the receipt of your Note of today's date which reads as follows:

“Excellency, I have the honour to refer to the Agreement of 11 May 1978 between our two Governments concerning financial co-operation and to propose on behalf of the Government of the Federal Republic of Germany that the following Arrangement be concluded:

“1. In amendment of article 1 (1) of the aforementioned Agreement of 11 May 1978 the loan therein pledged amounting to DM 13,000,000 (thirteen million Deutsche Mark) shall be turned into a financing contribution.

“2. In amendment of article 1 (3) of the aforementioned Agreement of 11 May 1978 the Government of the Federal Republic of Germany is ready, provided that the other conditions specified therein are met, to assume guarantees up to an amount of DM 7,000,000 (seven million Deutsche Mark) in respect of that part of the order value not financed within the framework of financial co-operation.

“3. The utilization of the contribution as well as the terms and conditions on which it is granted shall be governed by the provisions of the financing agreement to be concluded between the Kreditanstalt für Wiederaufbau (Development Loan Corporation) and the Government of the Independent State of Western Samoa, which shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

“4. The guarantee of the Central Bank of the Independent State of Western Samoa stipulated in article 2 (2) of the aforementioned Agreement of 11 May 1978 is waived.

“5. In all other respects the provisions of the aforementioned Agreement of 11 May 1978, including the Berlin clause (article 7), shall apply to the present Arrangement.

“If the Government of the Independent State of Western Samoa agrees to the proposals contained in paragraphs 1 to 5 above, this Note and Your Excellency’s Note in reply thereto expressing your Government’s agreement shall constitute an Arrangement between our two Governments, to enter into force on the date of your Note in reply.

“Accept, Excellency, the assurances of my highest consideration.”

I hereby confirm the agreement of my Government to the proposals contained in your Note. Your Note and this Note in reply shall thus constitute an Arrangement between our two Governments, to enter into force on the date of this Note.

Accept, Excellency, the assurances of my highest consideration.

[Signed — Signé]¹

His Excellency Dr. Peter Hermes
Secretary of State at the Federal Foreign Office
Bonn

¹ Signed by V. Filipo — Signé par V. Filipo.