

No. 23212

**FEDERAL REPUBLIC OF GERMANY
and
NIGER**

**Agreement concerning financial co-operation (with annex).
Signed at Niamey on 25 November 1983**

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 28 December 1984.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
NIGER**

**Accord de coopération financière (avec annexe). Signé à
Niamey le 25 novembre 1983**

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 28 décembre 1984.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
REPUBLIC OF NIGER CONCERNING FINANCIAL CO-
OPERATION

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

In the spirit of the friendly relations existing between the Federal Republic of Germany and the Republic of the Niger,

Desiring to strengthen and enhance these friendly relations through financial co-operation as partners,

Aware that the maintenance of these relations constitutes the basis of this Agreement,

Intending to contribute to social and economic development in the Niger,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of the Republic of the Niger to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt am Main,

(a) For the projects

- Rehabilitation of the Yantala hydroelectric power station,
- Water supply for Zinder II,
- Rural water supply in the departments of Agadez and Tahoua I,
- Rehabilitation of existing agricultural areas in the Niger and Maggia Valley,
- Tiaguirire livestock-fattening station,
- Funds for studies III,

provided that, after examination, the projects qualify for promotion, financial contributions of up to a total of DM 51,400,000 (fifty-one million, four-hundred thousand Deutsche Mark);

(b) For the purpose of financing the foreign-exchange costs of the goods and services provided to cover current civil requirements and the foreign exchange and national-currency transport, insurance and assembly costs incurred in connection with the importation of goods financed under this Agreement, a financial contribution of up to DM 5,000,000 (five million Deutsche Mark). Such supplies and services shall be from among those specified in the list annexed to this Agreement which are to be delivered after the date of entry into force of this Agreement.

(2) This Agreement shall also apply if, at a later date, the Government of the Federal Republic of Germany enables the Government of the Republic of the Niger to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt am Main, further financial contributions for the projects referred to in paragraphs 1 (a) and 1 (b).

¹ Came into force on 25 November 1983 by signature, in accordance with article 8.

(3) The projects referred to in paragraph 1 may be replaced by other projects if the Government of the Federal Republic of Germany and the Government of the Republic of the Niger so agree.

Article 2. Utilization of the amounts referred to in article 1 of this Agreement as well as the terms and conditions on which they are granted shall be governed by the contracts to be concluded between the Kreditanstalt für Wiederaufbau and the recipient of the financial contributions; these contracts shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

Article 3. The Government of the Republic of the Niger shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other fiscal charges levied in the Niger in connection with the conclusion and execution of the contracts referred to in article 2.

Article 4. The Government of the Republic of the Niger shall allow passengers and suppliers free choice of transport enterprises for such transport by sea and air of passengers and goods as results from the granting of the financial contributions, refrain from taking any measures that might exclude or impede the participation of transport enterprises having their principal place of business in the German area of application of this Agreement, and grant any necessary permits for the participation of such enterprises.

Article 5. Supplies and services for projects financed from the contributions shall, unless provided for in individual cases, be subject to international public tender.

Article 6. With regard to supplies and services resulting from the granting of the contributions, the Government of the Federal Republic of Germany attaches particular importance to preference being given to 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 apply also 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 the Niger within the three months following the date of entry into force of this Agreement.

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

DONE at Niamey, on 25 November 1983, in duplicate in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

[Signed]

KLAUS BALD
Ambassador

[Signed]

Dr. JÜRGEN WARNKE
Federal Minister for Economic Co-operation

For the Government of the Republic of the Niger:

[Signed]

IDE OUMAROU
Minister for Foreign Affairs and Co-operation

ANNEX TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE REPUBLIC OF
THE NIGER CONCERNING FINANCIAL CO-OPERATION

1. List of goods and services which, under article 1, paragraph 1(b), of the intergovernmental Agreement of 25 November 1983, may be financed from the financial contribution:

- (a) Agricultural means of production,
- (b) Agricultural machinery and implements,
- (c) Spare parts and accessories of all kinds,
- (d) Products of the chemical industry, especially fertilizers, pesticides and insecticides, pharmaceutical products,
- (e) Other industrial products of importance for the rural development of the Republic of the Niger.

2. Imported goods not included in this list may be financed only with the prior consent of the Government of the Federal Republic of Germany.

3. Imports of luxury and consumer goods for private use and goods and installations for military purposes shall not be financed from the contribution.