

**No. 23511**

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**FEDERAL REPUBLIC OF GERMANY**  
**and**  
**TOGO**

**Agreement concerning financial co-operation. Signed at  
Lomé on 16 May 1983**

*Authentic texts: German and French.*

*Registered by the Federal Republic of Germany on 17 September 1985.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**  
**et**  
**TOGO**

**Accord de coopération financière. Signé à Lomé le 16 mai  
1983**

*Textes authentiques : allemand et français.*

*Enregistré par la République fédérale d'Allemagne le 17 septembre 1985.*

[TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FEDERAL  
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE  
TOGOLESE REPUBLIC CONCERNING FINANCIAL CO-  
OPERATION

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

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

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 Togolese Republic,

Have agreed as follows:

*Article 1.* (1) The Government of the Federal Republic of Germany shall enable the Government of the Togolese Republic to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt am Main, loans and financial contributions up to a total of DM 43.1 million (forty-three million one hundred thousand deutsche mark) for the following projects:

- (a) A loan of up to DM 22 million (twenty-two million deutsche mark) for the project "Development of the fishing port", provided that, after examination, the project qualifies for promotion;
- (b) A loan of up to DM 5.5 million (five million five hundred thousand deutsche mark) for the project "Harbour tug for the port of Lomé" provided that, after examination, the project qualifies for promotion;
- (c) A loan of up to DM 13.5 million (thirteen million five hundred thousand deutsche mark) for the project "Water supply for three cities (phase II)";
- (d) A financial contribution of up to DM 600,000 (six hundred thousand deutsche mark) for the assignment of harbour experts to the port of Lomé;
- (e) A financial contribution of up to DM 1.5 million (one million five hundred thousand deutsche mark) for a studies and experts fund.

(2) The loan referred to in paragraph 1, subparagraph (b), above shall include an amount of DM 1,324,000 (one million three hundred and twenty-four thousand deutsche mark) which is no longer necessary for the loan specified in the Agreement of 12 November 1979 between the Federal Republic of Germany and the Togolese Republic concerning financial co-operation<sup>2</sup> and intended for the project "Aid in goods for the autonomous port of Lomé programme". The amount of the loan pro-

<sup>1</sup> Came into force on 16 May 1983 by signature, in accordance with article 8.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1245, p. 41.

vided for the project "Aid in goods for the autonomous port of Lomé programme" shall therefore be reduced to DM 3,676,000 (three million six hundred and seventy-six thousand deutsche mark). The Agreement of 12 November 1979 shall therefore be amended accordingly.

(3) Of the loan granted under the Agreement between the Federal Republic of Germany and the Togolese Republic of 10 June 1977<sup>1</sup> concerning financial co-operation and intended for the project CIMAO "port terminal" there remains a balance of DM 2,135,000 (two million one hundred and thirty-five thousand deutsche mark) which is no longer needed for the project. The amount of the loan provided for the project "CIMAO port terminal", namely, DM 60 million, shall therefore be reduced to DM 57,865,000 (fifty-seven million eight hundred and sixty-five thousand deutsche mark). The amount of DM 2,100,000 (two million one hundred thousand deutsche mark) shall therefore be taken out of the funds no longer used for the project and used for the financial contributions provided under paragraph 1, subparagraphs (d) and (e), above. The balance of DM 35,000 (thirty-five thousand deutsche mark) may be utilized for other projects that qualify for promotion if the Government of the Togolese Republic and the Government of the Federal Republic of Germany so agree.

(4) The projects referred to in paragraph 1, subparagraph (a) and (b) may be replaced by other projects if the Government of the Federal Republic of Germany and the Government of the Togolese Republic so agree. Financial contributions granted for preparatory and collateral measures pursuant to paragraph 1 shall be converted into loans if they are not utilized for such measures.

*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 loans and 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 Togolese Republic shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other fiscal charges levied in the Togolese Republic in connection with the conclusion and implementation contracts referred to in article 2 of this Agreement.

*Article 4.* The Government of the Togolese Republic shall allow passengers and suppliers free choice of transport enterprises for such transport by sea and air of persons and goods as results from the granting of the contribution, refrain from taking any measures that might exclude or impede the participation, on an equal footing, 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.* (1) Supplies and services for projects financed under article 1, paragraph 1, subparagraphs (a) and (c) from the loan shall, unless otherwise provided for in individual cases, be subject to international public tender.

(2) Supplies and services referred to in article 1, paragraph 1, subparagraph (b), of this Agreement and financed from the loan shall, unless otherwise provided for in

<sup>1</sup> United Nations, *Treaty Series*, vol. 1093, p. 281.

individual cases, be subject to interactive public tender in the German area of application of this Agreement.

(3) The procurement procedure to be applied for implementing the projects referred to in article 1, subparagraphs (d) and (e), of this Agreement shall be established in the financing contracts to be concluded between the Government of the Togolese Republic and the Kreditanstalt für Wiederaufbau.

*Article 6.* With regard to supplies and services resulting from the granting of the loans and financial 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 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 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 Lomé on 16 May 1983, in two originals, in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

Dr. JOHANNES REITBERGER

Dr. JÜRGEN WARNKE

For the Government of the Togolese Republic:

A. K. AKAKPO-AHIANYO

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