BILATERAL · OCTOBER 16, 1985

35/11260

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Excellency:

I have the honor to refer to Your Excellency's Note dated 16 October 1985, the text of which is quoted hereunder:

"I have the honour to refer to-item 3.1.3 of the Summary Record of Discussions of the negotiations held in Manila on 2 and 3 August 1984 between our two Governments and to propose on behalf of the Government of the Federal Republic of Germany that, in pursuance of the Agreement of 7 September 1971 regarding Technical Co-operation, the following Arrangement concerning the project "Promotion of fruit-growing in Luzon" be concluded for the period 1 July 1985 to 30 June 1989.

1. The Government of the Federal Republic of Germany and the Government of the Republic of the Philippines shall jointly promote fruit-growing in Northern Luzon (Benguet, Mountain and Ifugao provinces).

The project shall encompass the following activities:

- identification of economically viable types of fruit,

- production and distribution of healthy plants, with a view to helping to improve the incomes of small farmers.

2. The Government of the Federal Republic of Germany shall make the following contributions to the project:

(1) It

(a) shall second as advisers the following experts:

- one expert in fruit-growing with sole responsibility, for a period of up to 48 months,

- short-term experts and consultants to solve . special problems, in particular in the fields of

— phytopathology,
—virology,
— erosion prevention,
—fruit-growing,
— fruit processing,
— marketing,
— tissue culture,

for a total of up to 18 man/months,

- junior scientists for practice-oriented, project-related investigations for up to 36 man/months;

(b) shall supply technical material, machinery, means of transportation and working equipment necessary for the implementation of the project, in particular

- three cross-country vehicles,
- one unimog and trailer,

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- one compost-maker,
- six motor-driven sprayers,
- seventy-five knapsack sprayers,
- one immersible pump and cable,
- seeds and plants,
- miscellaneous laboratory supplies,
- office supplies;

(c) may also second project assistants for training for a total of up to 12 man/months;

(d) shall meet the cost of drilling one deep well up to DM 100,000 (one hundred thousand Deutsche Mark), It shall undertake the planning, implementation and local supervision of construction activities (in co-ordination with the agency charged by the Government of the Republic of the Philippines).

(2) It is ready

(a) to provide, outside the project, basic and further training in the Federal Republic of Germany or in third countries, for up to three months each for up to four experts, who shall be employed on the project on their return;

(b) to enable up to eight counterparts to participate in seminars, congresses and other professional meetings in the Federal Republic of Germany or in third countries. The scholarship holders shall be selected in agreement with the seconded long-term expert and the co-operating agency.

(3) It is also ready to meet the cost of

(a) accommodation of the seconded experts and their families, in so far as this cost is not met by the seconded experts themselves;

(b) official travel by the seconded experts within and outside the Republic of the Philippines;

(c) transport and insurance to the project site of the material referred to in paragraph 2 (1) (b) above.

3. The Government of the Republic of the Philippines shall make the following contributions to the project:

(1) It shall

(a) make available the experts, administrative staff and assistants required for the implementation of the project, in particular

- one counterpart to the seconded long-term expert,
- one expert and assistants for health examinations and tissue culture,
- one expert and assistants for experimentation,
- one marketing expert,
- experts and assistants for the seed farm;

(b) meet the cost of fuel, maintenance, care and insurance of the official-vehicles and other facilities operated within the scope of the project;

(c) release agricultural extension workers from their duties to participate in special further-training courses organized within the scope of the project, and meet the ensuing personnel, travel, board and lodging costs;

(d) release the seconded experts from their duties to participate in courses, seminars and congresses;

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(e) meet the cost of drilling a deep well, in so far as this cost is not met by the Government of the Federal Republic of Germany pursuant to paragraph, 2 (1) (d) above;

(f) meet the cost of air travel in connection with the basic and further training of Philippine experts in the Federal Republic of Germany or in third countries.

(2) It shall

(a) provide the branch offices of the project with sufficient expendable materials, vehicles, funds and qualified personnel;

(b) establish or arrange contacts with agricultural extension centres and semi-governmental organizations providing training, with a view to disseminating the prepared extension material;

(c) plan its own itemized budget for all activities in order to facilitate the subsequent transfer of the project.

(3) It shall exempt the material supplied for the project on behalf of the Government of the Federal Republic of Germany from licences and customs duties as well as import and export duties, and ensure that the material is cleared by customs without delay. The aforementioned exemptions shall, at the request of the implementing agency, also apply to material procured in the Republic of the Philippines.

4. (1) The seconded experts and their counterparts shall have the following tasks:

(a) examine native and imported fruit types and varieties with regard to the viability of their cultivation;

(b) set up a stock garden as the principal tree nursery;

(c) establish farm tree nurseries with sound certified plants;

(d) develop appropriate farming models, including fruit-growing;

(e) work out appropriate techniques to combat diseases and pests;

(f) develop techniques for the rapid multiplication of different types of fruit;

(g) promote marketing

(2) The seconded experts shall, within the scope of the tasks referred to in sub-paragraph 1 above, be attached as advisers to the Bureau of Plant Industry (BPI) and be responsible to and under the professional authority of the same, in so far as this does not affect their contractual relations with their German employer.

5. The material supplied for the project on behalf of the Government of the Federal Republic of Germany shall become the property of the Republic of the Philippines on arrival in the Philippines; the material, shall be at the unrestricted disposal of the sponsored project and of the seconded experts for the fulfilment of their tasks.

6. (1) The Government of the Federal Republic of Germany shall charge the Deutsche Gesellschaft fur Technische Zusammenarbeit (GTZ) GmbH, 6236 Eschborn 1, with the implementation of its contributions.

(2) The Government of the Republic of the Philippines shall charge the Ministry of Agriculture/Bureau of Plant Industry (BPI) with the implementation of the project.

(3) The agencies referred to in sub-paragraphs 1 and 2 above may jointly lay down details of the implementation of the project in a plan of operations, or in some other appropriate form, adapting them as necessary in line with the progress of the project.

7. In all other respects the provisions of the aforementioned Agreement of 7 September 1971, including the Berlin

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clause (Article 9), shall apply to the present Arrangement.

If the Government of the Republic of the Philippines agrees to the proposal contained in paragraphs 1 to 7 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 assurance of my highest consideration".

I have the honor to inform You Excellency that my Government agrees to the Proposal contained in paragraph 1 to 7 quoted above, and that Your Excellency's Note and this Note shall constitute an arrangement between our two Governments, to take effect on the date of this reply.

Accept, Excellency, the renewed assurances of my highest consideration.

(Sgd.)

PACIFICO A. CASTRO
Acting Minister for Foreign Affairs.

His Excellency
Dr. Klaus Zeller
Ambassador of the Federal Republic of Germany
5th Floor, Citibank Center Bldg.,
Paseo de Roxas, Makati,
MetroManila

COURTESY TRANSLATION

THE AMBASSADOR
OF THE FEDERAL REPUBLIC OF GERMANY

Manila, 16 October 1985

Excellency,

I have the honour to refer .to Item 3.1.3 of the Summary Record of Discussions of the negotiations held in Manila on 2 and 3 August 1984 between our two Governments and to propose on behalf of the Government of the Federal Republic of Germany that, in pursuance of the Agreement of 7 September 1971 regarding Technical Co-operation, the following Arrangement concerning the project "Promotion of fruit-growing In Luzon" be concluded for the period 1 July 1985 to 30 June 1989.

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—virology,
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— three cross-country vehicles,
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(d) shall meet the cost of drilling one deep well up to DM 100,000 (one hundred thousand Deutsche Mark). It shall undertake the planning, implementation and local supervision of construction activities (in co-ordination with the agency charged by the Government of the Republic of the Philippines).

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—experts and assistants for the seed farm;

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(c) release agricultural extension workers from their duties to participate in special further-training courses organized within the scope of the project, and meet the ensuing personnel, travel, board and lodging costs;

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(e) meet the cost of drilling a deep well, in so far as this cost is not met by the Government of the Federal Republic of Germany pursuant to paragraph 2 (1) (d) above;

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(c) plan its own itemized budget for all activities in order to facilitate the subsequent transfer of the project.

(3) it shall exempt the material supplied for the project on behalf of the Government of the Federal Republic of Germany from licences and customs duties as well as import and export duties, and ensure that the material is cleared by customs without delay. The aforementioned exemptions shall, at the request of the implementing agency, also apply to material procured in the Republic of the Philippines.

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(3) The agencies referred to in sub-paragraphs 1 and 2 above may jointly lay down details of the implementation of the project in a plan of operations or in some other appropriate form, adapting them as necessary in line with the progress of the project.

7. In all other respects the provisions of the aforementioned Agreement of 7 September 1971, including the Berlin clause (Article 9), shall apply to the present Arrangement.

If the Government of the Republic of the Philippines agrees to the proposals contained in paragraphs 1 to 7 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 assurance of my highest consideration.

His Excellency
Pacifico A. Castro
Acting Minister for Foreign Affairs
of the Republic of the Philippines
Manila

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