BILATERAL · JULY 19, 1996

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Excellency,

I have the honor to refer to Your Excellency's Note dated 19 July 1996, the text of which is quoted hereunder:

"I have the honour to refer to the negotiations held between our two Governments in Manila from 5 to 6 October 1995 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 Cooperation, the following Arrangement concerning the project "Strengthening the Planning Capacity of the Philippine National Economic and Development Authority (NEDA) be concluded.

1.The Government of the Federal Republic of Germany and the Government of the Republic of the Philippines shall jointly promote the project Strengthening the Planning Capacity of NEDA.

The aim of the project is to enable NEDA to use effective concepts, mechanisms, projects and instruments for integrated planning, programming, management and evaluation.

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

(1)

It shall

(a)

second

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one long-term expert in development planning for up to 36 expert/months,

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short-term experts to deal with specific tasks for a total of up to 8 expert/months;

(b)

employ locally

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short-term experts to deal with specific tasks for a total of up to 28 expert/months,

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experts and auxiliary personnel for a total of up to 42 expert/months,

His Excellency
Ambassador Karl Friedrich Gansauer
Embassy of the Federal Republic of Germany
Metro Manila

(2) it shall meet the cost of

(a) accommodation for the seconded experts and their families, in so far as this cost is not borne by the seconded experts themselves:

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

(c) transport and insurance to the project site of the items referred to in sub-paragraph 1 (c) above, excluding the charges and storage fees referred to in paragraph 3 (2) (a) below.

(3) It is prepared to provide, outside the project, up to 14 expert/ months of further training for Philippine counterparts in the field of development planning, who shall be employed on the project upon their return and carry on the tasks of seconded experts on their own.

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

(1) It shall

(a)

provide suitable counterparts, in particular one project director, one full-time project manager, experts from the various NEDA departments as well as the necessary auxiliary personnel for the National Development Office;

(b)

carry out the following measures;

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coordinate the project with other agencies-of relevance to implementation;

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select in collaboration with the seconded experts suitable candidates for the envisaged further training, seminars and information trips, release them from other duties for the purpose of such training and meet their travel costs in the Philippines;

(c)

provide the necessary premises for offices and training activities;

(d)

provide the project with an itemized budget of its own in order to . guarantee smooth implementation of the programme and its continuation once promotion has ended.

(2) it shall

> (a) exempt the material supplied for the project on behalf of the Government of the Federal Republic of Germany from or assume the cost of licenses, harbour dues, import and export duties and other public charges, as well as storage fees, and ensure that it is cleared by customs without delay;
>
> (b) meet the running costs of the project and take this into account in the relevant budget appropriations:
>
> (c) ensure that the functions of the seconded experts are taken over by Philippine experts as soon as possible.

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Where the latter are to receive training in the Republic of the Philippines, the Federal Republic of Germany or in other countries pursuant to this Arrangement, it shall in good time nominate, in collaboration with the Embassy of the Federal Republic of Germany in Manila or with experts designated by the Embassy, a sufficient number of candidates for such basic or further training. It shall only nominate such candidates as have given an undertaking to work on the project for at least five years after completing their training. It shall ensure that these Philippine experts receive appropriate remuneration;

(d) recognize, in accordance with their respective standards, examinations passed by Philippine nationals having received basic or further training pursuant to this Arrangement, and afford the persons concerned such opportunities with regard to careers, appointments and advancement as are commensurate with their training;

(e) afford the seconded experts any assistance they may require in , carrying out the tasks assigned to them and place at their disposal all necessary records and documents.

(f) ensure the provision of the contributions required to implement the project

4.The seconded experts and the locally employed experts shall have the following tasks:

The seconded experts shall advise and assist their counterparts from the Philippine National Economic and Development Authority (NEDA) in the National Development Office (NDO) in connection with the following tasks:

-Diagnose the factors, together with their causes, hindering NEDA's management and experts from carrying out their tasks,

-integrate the sector plans and incorporate them into the, national development plan,

-ensure by means of project evaluation and investment programming systems, that projects are selected and financed in line with the priorities laid down by the national development plan,

-adapt NEDA's monitoring and evaluation system to planning and programming requirements,

-develop an effective project management system.

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 upon arrival there. It shall be at the unrestricted disposal of the project and 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. Eschborn, with the implementation of its contributions.

(2) The Government of the Republic of the Philippines shall charge the National Economic Development Authority (NEDA) with the implementation of the project.

(3) The agencies charged pursuant to sub-paragraphs 1 and 2 above shall jointly lay down details of project implementation in apian of operations or in some other appropriate form, adapting such plans 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 shall apply to the present Arrangement.

8.This Arrangement shall be concluded in the German and English languages, both texts being equally authentic.

If the Government of the Republic of the Philippines agrees to the proposals contained in paragraphs 1 to 8 above, this Note and Your Excellency's Note in reply thereto expressing your Government's agreement shall constitute an

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Arrangement between our two Governments, which shall enter into force on the date of your Note in reply."

I am pleased to inform Your Excellency that the foregoing Arrangement is acceptable to my Government. My Government will therefore consider Your Excellency's Note dated 19 July 1996 and this reply as constituting an Arrangement between our two Governments.

Accept, Excellency, the assurances of my highest consideration.

(Sgd.) DOMINGO L. SIAZON, JR.

Secretary of Foreign Affairs

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