

No. 14341

**FEDERAL REPUBLIC OF GERMANY
and
KENYA**

Agreement concerning financial assistance. Signed at Nairobi on 26 March 1974

Authentic texts: German and English.

Registered by the Federal Republic of Germany on 7 October 1975.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
KENYA**

Accord d'aide financière. Signé à Nairobi le 26 mars 1974

Textes authentiques : allemand et anglais.

Enregistré par la République fédérale d'Allemagne le 7 octobre 1975.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING FINANCIAL ASSISTANCE

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

in the spirit of the friendly relations existing between the Republic of Kenya 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 promote the development of the Kenyan economy,

have agreed as follows:

Article 1. The Government of the Federal Republic of Germany shall enable the Government of the Republic of Kenya to raise with the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, a loan up to a total of 5.8 million (five million eight hundred thousand) German Marks for the Industrial and Commercial Development Corporation to finance the Mombasa Industrial Estate project.

Article 2. 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 agreement to be concluded between the borrower and the Kreditanstalt für Wiederaufbau which shall be subject to the legal provisions applicable in the Federal Republic of Germany.

Article 3. The Government of the Republic of Kenya shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other public charges levied in Kenya at the time of the conclusion, or during the execution, of the loan agreement referred to in Article 2 of the present Agreement.

Article 4. The Government of the Republic of Kenya 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 of transport enterprises having their seat in the German area of application of the present Agreement, and grant the relevant permits as required.

Article 5. Unless otherwise provided in individual cases, supplies or services for projects financed from the loan shall be subject to international public tender.

Article 6. With regard to the supplies resulting from the granting of the loan, the Government of the Federal Republic of Germany attaches particular importance to preference being given to products of industries 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 Republic of Kenya within three months after the entry into force of the present Agreement.

¹ Came into force on 26 March 1974 by signature, in accordance with article 8.

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

DONE at Nairobi, the 26th day of March 1974, in duplicate in the English and German languages, both texts being equally authentic.

For the Government
of the Republic of Kenya:

[Signed — Signé]¹

For the Government
of the Federal Republic
of Germany:

[Signed — Signé]²

¹ Signed by Mwai Kibaki — Signé par Mwai Kibaki.

² Signed by Heimsoeth — Signé par Heimsoeth.