

No. 14991

**DENMARK
and
KENYA**

**Agreement on the establishment of an Industrial Training
Centre in Mombasa. Signed at Nairobi on 20 September
1974**

Authentic text: English.

Registered by Denmark on 24 August 1976.

**DANEMARK
et
KENYA**

**Accord relatif à la création d'un Centre de formation in-
dustrielle à Mombasa. Signé à Nairobi le 20 septem-
bre 1974**

Texte authentique : anglais.

Enregistré par le Danemark le 24 août 1976.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF DENMARK AND THE GOVERNMENT OF KENYA ON THE ESTABLISHMENT OF AN INDUSTRIAL TRAINING CENTRE IN MOMBASA

The Governments of Denmark and Kenya, desiring to continue their co-operation for the promotion of social and economic development in Kenya, particularly in the field of education and training, have agreed as follows:

Article 1. The two Governments will jointly establish an Industrial Training Centre in Mombasa (hereinafter referred to as the “Centre”). The purpose of the Centre will be to provide Kenyans and Kenyan industries with facilities for:

- (a) Short-term, skill-improvement courses.
- (b) Apprentice courses.
- (c) Instructor training.
- (d) Trade testing.
- (e) Technical information services for industries of importance to the development of Kenya.

Article 2. The activities of the Centre will be coordinated under the overall direction of the Directorate of Industrial Training and will include:

- (a) Training courses of short duration for workers employed in industry.
- (b) Craft training courses for apprentices in accordance with rules laid down by the Industrial Training Council.

Detailed curricula for the training courses referred to above as well as guiding principles for the selection of trainees will be worked out in co-operation between the Kenyan authorities for Industrial Training and the Danish authorities.

To ensure that all training activities planned for the Centre will be in accordance with Kenya's overall National Industrial Training Act the Project Manager will be invited to participate in all meetings of the National Industrial Training Council set up under the Act.

- (c) Special training courses for instructors and other technical staff to introduce contemporary working methods in existing industries or to introduce new industrial techniques as need may arise.
- (d) Trade testing in accordance with the Directorate of Industrial Training. The actual trade testing will be carried out by the Directorate's own personnel, and the facilities will be provided by the Centre.
- (e) A technical information service based upon the Centre's professional staff and with the duties of assisting industry in the country and ensuring the closest possible contact between industry and the Centre.

Article 3. The Government of Denmark will finance, within a limit of 15.9 million Danish kroner:

- (a) Recruitment and salaries, insurance and international travel expenses of the Danish staff referred to in Article 5;

¹ Came into force on 20 September 1974 by signature, in accordance with article 9 (a).

- (b) The construction of buildings required at the Centre for teaching and administrative purposes, and furniture and equipment for these buildings;
- (c) Teaching equipment, tools and machines, office equipment and supplies, and an initial supply of literature for the Centre;
- (d) The construction and furnishing of a hostel for 150 trainees;
- (e) The construction of 12 staff houses for senior staff. The houses will initially be allocated to the Danish staff;
- (f) The construction of staff houses for a Hostel Manager and a Housekeeper as well as quarters for a limited number of subordinate staff.

Article 4. The Government of Kenya will:

- (a) allocate an amount of 1.3 million Kenyan shillings as a Kenyan counterpart contribution to the capital costs related to the establishment of the Centre;
- (b) procure a suitable and cleared site for the Centre and for the staff houses;
- (c) provide to the site and pay for public utilities such as water, electricity, sewerage, roads, footpaths and installations of telephones for official use;
- (d) provide accommodation for the Kenyan counterparts referred to in Article 5, paragraph (b), and not otherwise covered by Article 3, paragraph (e), as well as accommodation for the additional Kenyan staff;
- (e) recruit and pay the salaries and other expenses of the Kenyan staff referred to in Article 5, paragraph (b);
- (f) facilitate, in consultation with the Government of Denmark, all building and construction work included in the plans and also work which may be added during the construction period;
- (g) exempt:
 - (i) all supplies, equipment, materials, etc., needed for the construction of the Centre under this Agreement from import duties, fiscal levies, sales taxes, etc.;
 - (ii) the site, the buildings of the Centre and the staff houses from any property tax and other charges;or pay such charges itself.

Article 5. The Centre shall be staffed as follows:

- (a) Danish staff:
 - (i) a Project Manager and a Project Architect shall be recruited to carry out the detailed planning and supervise the construction of the Centre in accordance with the proposed Time Schedule and the accepted budgets;
 - (ii) as soon as the Centre has been established one Chief Adviser, one Managerial Adviser and up to six Instructors followed by one Chief Training Officer and one Instructor Training Consultant.
- (b) Kenyan staff:
 - (i) one Director of the Centre, one Senior Training Officer, and one Executive Officer to be appointed three months before the Centre starts its activities;
 - (ii) clerks, supplies officer, caretaker, etc., to be assigned to the Centre as need arises;
 - (iii) as soon as the building operations have been completed, a Kenyan team of instructors appointed by the Kenyan Government in agreement with the

Danish Government will assume their duties. The Kenyan and the Danish team will co-operate in the installation of equipment, preparation of courses, etc.

Article 6. (a) The Government of Kenya will ensure that Danish staff at the Centre will at any time be treated no less favourably than technical assistance personnel assigned to Kenya by other countries.

(b) The status of the Danish personnel shall be in accordance with the Agreement of 25th February, 1971,¹ on technical cooperation between Denmark and Kenya.

(c) The Government of Kenya undertakes to hold harmless the Government of Denmark against any and all liability from damage caused in connection with assistance provided. In the event that the Government of Kenya shall make any payment under the terms of this clause the said Government shall be entitled to exercise all the rights, claims, and immunities which Denmark could have exercised against third parties. This clause shall not apply to any claim against Denmark for injuries sustained by Danish staff members.

Article 7. The Danish Government may delegate authority for the establishment and operation of the Centre to a Danish institution having the necessary qualifications.

Article 8. (a) On the date when the Centre starts its activities, the buildings of the Centre and all supplies, equipment, and material shall become the property of the Government of Kenya.

(b) The Government of Kenya will then take over full responsibility for the Centre.

(c) An Advisory Committee, composed of representatives from either side, may, on the request of either party, be established if found desirable.

Article 9. (a) This Agreement shall enter into force on the date of its signature and shall remain in force for five years from the date of signature. It may be terminated before the end of the five-year period by either party, subject to six months' notice of termination in writing addressed to the other party.

(b) This Agreement may be amended by an exchange of letters between the two Governments.

(c) The two Governments shall consult on any matter concerning this Agreement, at the request of either Government.

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed this Agreement.

20th September 1974

HANS KÜHNE

For the Government of Denmark

20th September 1974

NICHOLAS NGANGA

For the Government of Kenya

¹ United Nations, *Treaty Series*, vol. 814, p. 45.