

No. 16354

**FEDERAL REPUBLIC OF GERMANY
and
KENYA**

Agreement concerning financial assistance. Signed at Nairobi on 14 November 1975

Authentic texts: German and English.

Registered by the Federal Republic of Germany on 1 February 1978.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
KENYA**

Accord d'aide financière. Signé à Nairobi le 14 novembre 1975

Textes authentiques : allemand et anglais.

Enregistré par la République fédérale d'Allemagne le 1^{er} février 1978.

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 economic and social development in Kenya,

Have agreed as follows:

Article 1. (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 DM 37 million (thirty-seven million German Marks) as a contribution to the financing of the Mombasa and Coastal Water Supply Project (hereinafter referred to as “the Project”).

(2) The project shall be carried out under a joint financing arrangement with the International Bank for Reconstruction and Development (World Bank).

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 agreements 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 agreements 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 place of business in the German area of application of the present Agreement, and grant the relevant permits as required for the participation of such enterprises.

Article 5. Supplies and services for projects financed from the loan shall, unless otherwise provided in individual cases, be subject to international public tender.

¹ Came into force on 14 November 1975 by signature, in accordance with article 8.

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 of the date of entry into force of the present Agreement.

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

DONE at Nairobi on 14th November, 1975, 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.