

No. 16345

**FEDERAL REPUBLIC OF GERMANY
and
ZAIRE**

**Agreement concerning financial assistance for 1974/75.
Signed at Kinshasa on 5 July 1975**

Authentic texts: German and French.

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

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
ZAÏRE**

**Accord d'aide financière pour les exercices 1974-1975.
Signé à Kinshasa le 5 juillet 1975**

Textes authentiques : allemand et français.

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

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE EXECUTIVE COUNCIL OF
THE REPUBLIC OF ZAIRE CONCERNING FINANCIAL ASSIST-
ANCE FOR 1974/75

The Government of the Federal Republic of Germany and the Executive Council of the Republic of Zaire,

Considering the friendly relations existing between the Federal Republic of Germany and the Republic of Zaire,

Desiring to strengthen and intensify these friendly relations by fruitful co-operation in the field of development assistance,

Being aware that the maintenance of these relations is the basis for the present Agreement,

Intending to contribute to the economic and social development of the Republic of Zaire,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Executive Council of the Republic of Zaire or other borrowers, to be selected jointly by the two Parties, to obtain loans not exceeding a total of DM 70 million (seventy million Deutsche Mark) from the *Kreditanstalt für Wiederaufbau* (Reconstruction Loan Corporation), Frankfurt-on-Main, for projects determined by mutual agreement at the second session of the Joint German-Zairian Commission, provided that, after review, those projects are deemed to deserve support.

(2) The projects referred to in paragraph 1 may, by agreement between the Contracting Parties, be replaced by other projects.

Article 2. (1) The utilization of these loans and the conditions on which they are granted shall be the subject of contracts to be concluded between the borrowers and the *Kreditanstalt für Wiederaufbau* which shall be governed by the legislation applicable in the Federal Republic of Germany.

(2) The Executive Council of the Republic of Zaire, in so far as it is not itself the borrower, and the Central Bank of the Republic of Zaire shall guarantee to the *Kreditanstalt für Wiederaufbau* all payments in Deutsche Mark in fulfilment of the borrower's liabilities under the contracts to be concluded in accordance with paragraph 1.

Article 3. The Executive Council of the Republic of Zaire shall exempt the *Kreditanstalt für Wiederaufbau* from all taxes and other public charges levied in the Republic of Zaire in connexion with the conclusion or execution of the contracts referred to in article 2.

¹ Came into force on 29 June 1976, upon notification by Zaire to the Federal Republic of Germany that the domestic requirements necessary to that effect had been complied with, with retroactive effect from 5 July 1975, in accordance with article 8.

Article 4. The Government of the Federal Republic of Germany and the Executive Council of the Republic of Zaire shall, with regard to any transport of passengers and goods by sea and air arising out of the granting of the loan, allow passengers and suppliers freely to choose transport enterprises, take no measures to exclude or impede the equitable participation of transport enterprises having their headquarters within the area of application of this Agreement, and grant, in accordance with the legislation in force and without discrimination, any permits necessary for the participation of such transport enterprises.

Article 5. Goods and services to be supplied for projects financed by the loan shall be the subject of international public tender, unless otherwise stipulated in individual cases.

Article 6. The Government of the Federal Republic of Germany is particularly desirous that, for goods supplied as a result of the granting of the loan, preference should be given to the products of the industry of *Land Berlin*.

Article 7. With the exception of those provisions of article 4 which relate to air transport, this Agreement shall also apply to *Land Berlin* unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Executive Council of the Republic of Zaire within three months from the entry into force of this Agreement.

Article 8. This Agreement shall enter into force with retroactive effect as soon as the Executive Council of the Republic of Zaire notifies the Government of the Federal Republic of Germany that the domestic formalities required in the Republic of Zaire for the entry into force of this Agreement have been completed.

DONE at Kinshasa, on 5 July 1975, in duplicate in the German and French languages, both texts being equally authentic.

For the Government
of the Federal Republic
of Germany:

The Minister of State
for Foreign Affairs,

[Signed]

HANS-JÜRGEN WISCHNEWSKI

For the Executive Council
of the Republic of Zaire:

The State Commissioner
for Foreign Affairs
and International Co-operation,

[Signed]

MANDUNGU BULA MYATI