

No. 16776

FEDERAL REPUBLIC OF GERMANY
and
KENYA

Agreement concerning financial assistance for the purchase of goods and services (with annex). Signed at Nairobi on 15 December 1976

Authentic texts: German and English.

Registered by the Federal Republic of Germany on 30 June 1978.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
KENYA

Accord d'aide financière pour l'achat de biens et la fourniture de services (avec annexe). Signé à Nairobi le 15 décembre 1976

Textes authentiques : allemand et anglais.

Enregistré par la République fédérale d'Allemagne le 30 juin 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 contribute to economic and social development in Kenya,

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 DM 10,000,000 (ten million German Marks) to be used for the purchase of goods and services to cover current civilian requirements.

These supplies and services must be such as are covered by the list annexed to the present Agreement and for which supply or service contracts have been concluded after the entry into force of the loan agreement to be concluded pursuant to Article 2 of the present Agreement.

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 laws and regulations 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 implementation 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 on equal terms 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. With regard to 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.

¹ Came into force on 15 December 1976 by signature, in accordance with article 7.

Article 6. 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 this Agreement.

Article 7. The present Agreement shall enter into force on the date of signature thereof.

DONE at Nairobi on 15.12.1976, 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

ANNEX TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING FINANCIAL ASSISTANCE

LIST OF GOODS AND SERVICES ELIGIBLE FOR FINANCING FROM THE LOAN UP TO DM 10,000,000 (TEN MILLION GERMAN MARKS) UNDER ARTICLE 1 OF THE AGREEMENT OF 15.12.1976

- (a) Equipment and transport vehicles for the National Youth Service
- (b) Transport vehicles for the agricultural extension service
- (c) Fire-fighting equipment for the Ministry of Power and Communications (airports)
- (d) Fire-fighting equipment for the Ministry of Local Government (municipalities)
- (e) Equipment for the Kenya Bureau of Standards in the Ministry of Commerce and Industry
- (f) The costs, also in local currency, of transport, insurance and assembly arising in connexion with the importation of goods financed under the present Agreement.

Imports not included in the above list may only be financed with the prior approval of the Government of the Federal Republic of Germany.

The importation of consumer goods for personal needs, especially luxury goods, as well as any goods and facilities serving military purposes, may not be financed from the loan.

¹ Signed by Mwai Kibaki — Signé par Mwai Kibaki.

² Signed by Dr. Heimsoeth — Signé par Heimsoeth.