

No. 18433

**FEDERAL REPUBLIC OF GERMANY
and
MALAWI**

Agreement concerning financial co-operation—*Loan to meet foreign exchange costs (with annex). Signed at Blantyre-Limbe on 17 November 1977*

Authentic texts: German and English.

Registered by the Federal Republic of Germany on 28 March 1980.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
MALAWI**

Accord de coopération financière — *Prêt destiné au financement d'achats en devises étrangères (avec annexe). Signé à Blantyre-Limbe le 17 novembre 1977*

Textes authentiques : allemand et anglais.

Enregistré par la République fédérale d'Allemagne le 28 mars 1980.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF MALAWI AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING FINANCIAL CO-OPERATION

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

In the spirit of the friendly relations existing between the Republic of Malawi and the Federal Republic of Germany,

Desiring to strengthen and intensify those friendly relations by fruitful cooperation 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 the Republic of Malawi,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of the Republic of Malawi to raise with the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, a loan up to DM 4,000,000 (four million German Marks) to meet foreign exchange costs resulting from 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 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. (1) 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 laws and regulations applicable in the Federal Republic of Germany.

(2) The Reserve Bank of the Republic of Malawi shall guarantee to the Kreditanstalt für Wiederaufbau all payments in German Marks to be made in fulfilment of the borrower's liabilities under the agreement to be concluded pursuant to paragraph 1 above.

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

Article 4. The Government of the Republic of Malawi 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

¹ Came into force on 17 November 1977 by signature, in accordance with article 7.

of the present Agreement, and grant permits for the participation of such enterprises as required.

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.

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 Malawi 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 Blantyre-Limbe on 17 November 1977, in duplicate in the English and German languages, both texts being equally authentic.

For the Government
of the Republic of Malawi:

[Signed — Signé]¹

For the Government
of the Federal Republic of Germany:

[Signed — Signé]²

ANNEX

LIST OF GOODS AND SERVICES ELIGIBLE FOR FINANCING FROM THE LOAN UP TO A TOTAL VALUE OF DM 4,000,000 (FOUR MILLION GERMAN MARKS) UNDER ARTICLE 1 OF THE INTERGOVERNMENTAL AGREEMENT OF [17 NOVEMBER 1977]

- (a) Industrial raw and auxiliary materials as well as semi-manufactures,
- (b) Industrial equipment as well as agricultural machinery and implements,
- (c) Spare parts and accessories of all kinds,
- (d) Chemical products, in particular fertilizers, plant protection agents, pesticides, medications,
- (e) Other industrial products important for the development of the Republic of Malawi,
- (f) Advisory services and licence fees,
- (g) 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 D. J. Matenje — Signé par D. J. Matenje.

² Signed by Erhard Holtermann — Signé par Erhard Holtermann.