

No. 18395

FEDERAL REPUBLIC OF GERMANY
and
BOTSWANA

**Agreement concerning financial and technical assistance for
the development of the Francistown-Serule Road.
Signed at Gaborone on 3 October 1974**

**Exchange of notes constituting an agreement amending the
above-mentioned Agreement. Gaborone, 4 November
and 3 December 1976**

Authentic texts: German and English.

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

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
BOTSWANA

**Accord d'aide financière et technique pour la construction
de la route Francistown-Serule. Signé à Gaborone le
3 octobre 1974**

**Échange de notes constituant un accord modifiant l'Accord
susmentionné. Gaborone, 4 novembre et 3 décembre
1976**

Textes authentiques : allemand et anglais.

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

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
REPUBLIC OF BOTSWANA CONCERNING FINANCIAL AND
TECHNICAL ASSISTANCE FOR THE DEVELOPMENT OF THE
FRANCISTOWN-SERULE ROAD

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

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

Desiring to strengthen and intensify those friendly relations by further 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 the development of the Botswana economy,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of the Republic of Botswana to raise with the Kreditanstalt fuer Wiederaufbau (Development Loan Corporation), Frankfurt/Main, a loan up to a total of thirteen million German marks for the development of the Francistown-Serule road if, after examination, the project has been found to be eligible for promotion.

(2) The Government of the Federal Republic of Germany shall enable the Government of the Republic of Botswana to obtain a non-repayable grant up to a total of nine hundred thousand German marks for the drawing up of studies and construction planning in respect of the project referred to in paragraph 1 above.

(3) The project referred to in paragraph 1 above may be replaced by other projects if the Government of the Federal Republic of Germany and the Government of the Republic of Botswana so agree.

Article 2. (1) The utilization of the loan specified in article 1 (1) and of the grant specified in article 1 (2), as well as the terms and conditions on which they are granted, shall be governed by the provisions of the agreements to be concluded between the Government of the Republic of Botswana and the Kreditanstalt fuer Wiederaufbau which shall be subject to the legal provisions applicable in the Federal Republic of Germany.

(2) The grant referred to in article 1 (2) above shall be made through the Kreditanstalt fuer Wiederaufbau on the basis of a financing agreement to be concluded between the latter and the Government of the Republic of Botswana.

Article 3. The Government of the Republic of Botswana shall exempt the Kreditanstalt fuer Wiederaufbau from all taxes and other public charges levied in Botswana in relation to the loan specified in article 1 (1) and the grant specified in

¹ Came into force on 3 October 1974 by signature, in accordance with article 8.

article 1 (2), 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 Botswana 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.

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

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 Botswana within three months after the entry into force of the present Agreement.

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

DONE at Gaborone on 3rd October 1974 in duplicate in the German and English languages, both texts being equally authentic.

For the Government
of the Federal Republic of Germany:

[Signed — Signé]¹

For the Government
of the Republic of Botswana:

[Signed — Signé]²

¹ Signed by Heinz Friedrich Landau — Signé par Heinz Friedrich Landau.

² Signed by Mogwe — Signé par Mogwe.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE REPUBLIC OF BOTSWANA AMENDING THE AGREEMENT OF 3 OCTOBER 1974 CONCERNING FINANCIAL AND TECHNICAL ASSISTANCE FOR THE DEVELOPMENT OF THE FRANCISTOWN-SERULE ROAD²

I

[GERMAN TEXT — TEXTE ALLEMAND]

BOTSCHAFT
DER BUNDESREPUBLIK DEUTSCHLAND
GABORONE
Der Geschäftsträger
der Bundesrepublik Deutschland

EMBASSY
OF THE FEDERAL REPUBLIC OF GERMANY
GABORONE
The Chargé d'affaires a.i.

Gaborone, den 4. November 1976

Gaborone, 4th November, 1976

Wi-445 Nr. 43/76

Herr Minister,

Excellency,

ich beehrte mich, Ihnen im Namen der Regierung der Bundesrepublik Deutschland und unter Bezugnahme auf das Abkommen zwischen unseren beiden Regierungen über Kapitalhilfe vom 3. Oktober 1974 folgende Änderungsvereinbarung über den Ausbau der Straße Francistown-Serule vorzuschlagen:

I have the honour to refer to the Agreement of 3 October 1974 between our two Governments² concerning financial assistance and to propose on behalf of the Government of the Federal Republic of Germany that, in amendment thereof, the following arrangement concerning the development of the Francistown-Serule Road be concluded.

1. Artikel 1, Absatz 1 des Abkommens vom 3. Oktober 1974 über Kapitalhilfe entfällt und erhält folgende neue Fassung:

(1) Article 1 (1) of the Agreement of 3 October 1974 concerning financial assistance shall be amended to read as follows:

Artikel 1. (1) Die Regierung der Bundesrepublik Deutschland ermöglicht es der Regierung der Republik Botswana, bei der Kreditanstalt für Wiederaufbau, Frankfurt/Main, für den Ausbau der Straße Francistown-Serule, wenn nach Prüfung die Förderungswürdigkeit festgestellt worden ist,

“Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of the Republic of Botswana to raise with the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, a loan up to 22,750,000 DM (twenty-two million seven hundred

¹ Came into force on 3 December 1976, the date of the note in reply, in accordance with the provisions of the said notes.

² See p. 6 of this volume.

ein Darlehen bis zu DM 22,75 Mio (in Worten: Zweiundzwanzig Millionen siebenhundertfünfzigtausend Deutsche Mark) aufzunehmen.

2. Im übrigen gelten die Bestimmungen des eingangs erwähnten Abkommens vom 3. Oktober 1974 einschließlich der Berlin-Klausel (Artikel 7) auch für diese Vereinbarung.

Falls sich die Regierung der Republik Botswana mit den in Nummer 1 und 2 gemachten Vorschlägen einverstanden erklärt, werden diese Note und die das Einverständnis Ihrer Regierung zum Ausdruck bringende Antwortnote Eurer Exzellenz eine Vereinbarung zwischen unseren beiden Regierungen bilden, die mit dem Datum Ihrer Antwortnote in Kraft tritt.

Genehmigen Sie, Herr Minister, den Ausdruck meiner ausgezeichnetsten Hochachtung.

[H. EMSBACH]¹

Hon. A. M. Mogwe
Minister for External Affairs
Gaborone

and fifty thousand German marks) for the development of the Francistown-Serule Road, if, after examination, it has been found eligible for promotion.”

(2) In all other respects the provisions of the aforementioned Agreement of 3 October 1974, including the Berlin clause (article 7), shall apply to the present Arrangement.

If the Government of the Republic of Botswana agrees to the proposals contained in paragraphs 1 and 2 above, this Note and Your Excellency's Note in reply thereto expressing your Government's agreement shall constitute an arrangement between our two Governments, to enter into force on the date of your Note in reply.

Accept, Excellency, the assurances of my highest consideration.

H. EMSBACH

The Honourable A. M. Mogwe
Minister for External Affairs
Gaborone

II

REPUBLIC OF BOTSWANA

Gaborone, 3 December 1976

EA. 5/5 1(166)
Note No. 27

The Office of the President of the Republic of Botswana presents its compliments to the Embassy of Federal Republic of Germany and has the honour to refer to the latter's Note of the 4th November, 1976.

(1) It was with great pleasure we received your Note of November, 4, 1976, informing us that the loan from KFW has been risen from DM 13 million to DM 22.75 million for the construction of the Francistown-Serule Road.

¹ Text between brackets appears only in the English authentic text — Le texte entre crochets n'apparaît que dans le texte authentique anglais.

(2) It is hereby agreed upon that paragraph 1 in article 1 of the Agreement of 3rd October, 1974, between the Botswana Government and the Government of Federal Republic of Germany shall be amended to read as follows:

[*See note I*]

(3) The Government of Botswana also agree that in all other respects the provision of the above-mentioned Agreement of 3rd October, 1974, including the Berlin clause (article 7) shall apply to the present Agreement.

The Office of the President of the Republic of Botswana avails itself of this opportunity to renew to the Embassy of Federal Republic of Germany the assurance of its highest consideration.
