

No. 22632

FEDERAL REPUBLIC OF GERMANY
and
BOTSWANA

Agreement concerning financial co-operation—*Foreign exchange costs resulting from the purchase of goods and services* (with annex). Signed at Gaborone on 12 October 1982

Authentic texts: German and English.

Registered by the Federal Republic of Germany on 29 December 1983.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
BOTSWANA

Accord de coopération financière — *Coûts en devises résultant de l'acquisition de biens et services* (avec annexe). Signé à Gaborone le 12 octobre 1982

Textes authentiques : allemand et anglais.

Enregistré par la République fédérale d'Allemagne le 29 décembre 1983.

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

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

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

Desiring to strengthen and intensify those friendly relations through financial co-operation in a spirit of partnership,

Aware that the maintenance of those relations constitutes the basis of this Agreement,

Intending to contribute to social and economic development in the Republic of Botswana,

With reference to the Summary Record of 25 March 1982,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of the Republic of Botswana and/or another recipient to be determined jointly by the two Governments to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main,

- (a) A financial contribution of up to DM 6,400,000 (six million four hundred thousand Deutsche Mark) to meet foreign exchange costs resulting from the purchase of goods and services to cover current civilian requirements, and to meet foreign exchange and local currency costs of transport, insurance and assembly arising in connection with the importation of goods financed under this Agreement. The supplies and services must be such as are covered by the list annexed to this Agreement and for which supply or service contracts have been concluded after 1 April 1982;
- (b) A financial contribution of up to DM 4,500,000 (four million five hundred thousand Deutsche Mark) for the project "Dornier aircraft 228" if, after examination, the project has been found eligible for promotion.

(2) If the project referred to in sub-paragraph 1 (b) above does not materialize or the respective German contribution amounts to less than DM 4,500,000 (four million five hundred thousand Deutsche Mark), the remaining funds shall be made available for the purposes specified in sub-paragraph 1 (a) above.

Article 2. The utilization of the financial contributions as well as the terms and conditions on which they are made available shall be governed by the provisions of the agreements to be concluded between the recipient of the financial contributions and the Kreditanstalt für Wiederaufbau, which shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

¹ Came into force on 12 October 1982 by signature, in accordance with article 7.

Article 3. The Government of the Republic of Botswana shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other public charges levied in the Republic of Botswana in connection with the conclusion and implementation 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 financial contributions, 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 this Agreement, and grant any necessary permits for the participation of such enterprises.

Article 5. With regard to supplies and services resulting from the granting of the financial contributions, the Government of the Federal Republic of Germany attaches particular importance to preferential use being made of the economic potential 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 Botswana within three months of the date of entry into force of this Agreement.

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

DONE at Gaborone on 12th of October 1982, in duplicate in the English and German languages, both texts being equally authentic.

For the Government
of the Republic of Botswana:

[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 BOTSWANA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING FINANCIAL CO-OPERATION

1. List of goods and services eligible for financing from the financial contribution under article 1 (1) (a) of the Agreement of 12th October 1982:

- (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, medicaments,
- (e) Other industrial products of importance for the development of the Republic of Botswana,
- (f) Advisory services, patents and licence fees.

¹ Signed by P. S. Mmusi — Signé par P. S. Mmusi.

² Signed by Hans Hoffmann — Signé par Hans Hoffmann.

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

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