

No. 22451

**FEDERAL REPUBLIC OF GERMANY
and
KENYA**

**Agreement concerning financial co-operation. Signed at
Nairobi on 24 June 1982**

Authentic texts: German and English.

Registered by the Federal Republic of Germany on 11 November 1983.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
KENYA**

**Accord de coopération financière. Signé à Nairobi le 24 juin
1982**

Textes authentiques : allemand et anglais.

Enregistré par la République fédérale d'Allemagne le 11 novembre 1983.

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

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 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 Kenya,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of the Republic of Kenya to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, a loan of up to DM 9,000,000 (nine million deutsche mark) for the project "Mombasa Wholesale Fruit and Vegetable Market I", as well as, for the project "Horticultural Production Centre Taita I", a total of DM 3,600,000 (three million six hundred thousand deutsche mark), made up of a loan of up to DM 2,750,000 (two million seven hundred and fifty thousand deutsche mark) and a non-reimbursable financial contribution of up to DM 850,000 (eight hundred and fifty thousand deutsche mark) for attendant implementation measures.

(2) This Agreement shall also apply if, at a later date, the Government of the Federal Republic of Germany enables the Government of the Republic of Kenya to obtain from the Kreditanstalt für Wiederaufbau further loans or financial contributions for the preparation of the projects referred to in paragraph 1 above or financial contributions for attendant measures required for their implementation and support.

Financial contributions for preparatory and attendant measures shall be converted into loans in the event that they are not used for such measures.

Article 2. The utilization of the amounts referred to in Article 1 of this Agreement 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 loans and financial contribution 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 the Republic of Kenya in connection with the conclusion and implementation of the agreements referred to in Article 2 of the present Agreement.

¹ Came into force on 24 June 1982 by signature, in accordance with article 8.

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 loans and the financial contribution, 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. Supplies and services for projects financed from the loans and the financial contribution shall, unless otherwise provided for in individual cases, be subject to national public tender.

Article 6. With regard to supplies and services resulting from the granting of the loans and the financial contribution, the Government of the Federal Republic of Germany attaches particular importance to preferential use being made of the economic potential 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 Kenya within three months of the date of entry into force of this Agreement.

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

DONE at Nairobi on June 24, 1982 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

¹ Signed by Magugu — Signé par Magugu.

² Signed by Dr. A. G. Kühn — Signé par A. G. Kühn.