

No. 22974

**FEDERAL REPUBLIC OF GERMANY
and
PAPUA NEW GUINEA**

**Agreement concerning financial co-operation. Signed at
Port Moresby on 11 May 1983**

Authentic texts: German and English.

Registered by the Federal Republic of Germany on 20 June 1984.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
PAPOUASIE-NOUVELLE-GUINÉE**

**Accord de coopération financière. Signé à Port Moresby le
11 mai 1983**

Textes authentiques : allemand et anglais.

Enregistré par la République fédérale d'Allemagne le 20 juin 1984.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF PAPUA NEW GUINEA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING FINANCIAL CO-OPERATION

The Government of Papua New Guinea and the Government of the Federal Republic of Germany,

In the spirit of the friendly relations existing between Papua New Guinea 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 Papua New Guinea,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of Papua New Guinea to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, a loan of up to DM 20,000,000 (twenty million Deutsche Mark) for the project "Tabubil-Kiunga road" if, after examination, the project has been found eligible for promotion.

(2) The loan of DM 20,000,000 (twenty million Deutsche Mark) referred to in paragraph 1 above includes the amount of DM 10,000,000 (ten million Deutsche Mark) made available to the Government of Papua New Guinea pursuant to the Agreement of 11 February 1980 concerning Financial Co-operation for the project "Hydroelectric Power Station Rouna Four".²

(3) Since the project "Hydroelectric Power Station Rouna Four" has been delayed for technical reasons, the Government of Papua New Guinea and the Government of the Federal Republic of Germany agree to utilize the amount of DM 10,000,000 (ten million Deutsche Mark) made available for the project "Hydroelectric Power Station Rouna Four" for the financing of the road construction project referred to in paragraph 1 above.

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

Article 2. The utilization of the amount referred to in Article 1 (1) of this Agreement as well as the terms and conditions on which it is made available shall be governed by the provisions of the agreement to be concluded between the recipient of the loan 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 provisionally on 11 May 1983, the date of signature, and definitively on 18 May 1983, the date on which the Government of Papua New Guinea notified the Government of the Federal Republic of Germany of the completion of the national requirements, in accordance with article 8.

² United Nations, *Treaty Series*, vol. 1303, p. 13.

Article 3. The Government of Papua New Guinea shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other public charges levied in Papua New Guinea in connection with the conclusion and implementation of the agreements referred to in Article 2 of the present Agreement.

Article 4. The Government of Papua New Guinea 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 this Agreement, and grant any necessary permits for the participation of such enterprises.

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

Article 6. With regard to supplies and services resulting from the granting of the loan, 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 Papua New Guinea within three months of the date of entry into force of this Agreement.

Article 8. This Agreement shall enter into force provisionally on the date of signature thereof; it shall enter into force definitively on the date on which it is notified to the Government of the Federal Republic of Germany that the national requirements for such entry into force in Papua New Guinea have been fulfilled.

DONE at Port Moresby on 11 May 1983 in duplicate in the English and German languages, both texts being equally authentic.

For the Government
of Papua New Guinea:

[Signed — Signé]¹

For the Government
of the Federal Republic
of Germany:

[Signed — Signé]²

¹ Signed by Rabbie L. Namalui — Signé par Rabbie L. Namalui.

² Signed by Bernd Oetter — Signé par Bernd Oetter.