

No. 22979

**FEDERAL REPUBLIC OF GERMANY
and
BOTSWANA**

**Agreement concerning financial co-operation—*Morupule*
coal-fired power plant. Signed at Gaborone on 5 July
1983**

Authentic texts: German and English.

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

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
BOTSWANA**

**Accord de coopération financière — *Centrale au charbon*
*de Morupule. Signé à Gaberones le 5 juillet 1983***

Textes authentiques : allemand et anglais.

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

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 to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, a financial contribution of up to DM 28,300,000 (twenty-eight million three hundred thousand Deutsche Mark) for the project "Morupule coal-fired power plant" if, after examination, the project has been found eligible for promotion.

(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 Botswana to obtain from the Kreditanstalt für Wiederaufbau further financial contributions for the preparation of the project "Morupule coal-fired power plant" or for attendant measures required for its implementation and support.

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

Article 2. The utilization of the amount referred to in Article 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 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 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 agreement referred to in Article 2 of the present Agreement.

¹ Came into force on 5 July 1983 by signature, in accordance with article 8.

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 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 financial contribution 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 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 Botswana 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 Gaborone on 5 July 1983 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

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

² Signed by Hans Hoffmann — Signé par Hans Hoffmann.