

**No. 23474**

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**UNION OF SOVIET SOCIALIST REPUBLICS  
and  
KENYA**

**Trade Agreement. Signed at Nairobi on 8 July 1983**

*Authentic texts: Russian and English.*

*Registered by the Union of Soviet Socialist Republics on 1 August 1985.*

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**UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES  
et  
KENYA**

**Accord commercial. Signé à Nairobi le 8 juillet 1983**

*Textes authentiques : russe et anglais.*

*Enregistré par l'Union des Républiques socialistes soviétiques le 1<sup>er</sup> août  
1985.*

## TRADE AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE REPUBLIC OF KENYA

The Government of the Union of Soviet Socialist Republics, and the Government of the Republic of Kenya, desirous of strengthening and developing trade relations between the two countries on the basis of equality and mutual benefit, have agreed as follows:

*Article 1.* 1. The Contracting Parties shall accord each other most-favoured-nation treatment in all matters with respect to their mutual trade relations, and navigation.

2. The competent authorities of both countries shall issue import and export licences, as long as such licences are or shall be required, in accordance with the laws and regulations of either country. Licences shall be granted on terms no less favourable than those granted to any other third country.

3. The provisions of the preceding paragraphs of this article shall, however, not apply to advantages:

- (a) Which one of the Contracting Parties has granted or may grant to neighbouring countries in order to facilitate frontier traffic;
- (b) Which shall result from a customs union or a free trade area to which either Contracting Party may be or become a party.

*Article 2.* 1. Both Contracting Parties shall support and facilitate within the scope of their laws and regulations the widest possible trade between the two countries. Any goods to be agreed upon by Soviet foreign trade organisations, and Kenya's natural persons and trading enterprises may be the subject of import and export under this Agreement.

2. Both Contracting Parties shall take measures so that the trade between the two countries be made on the basis of reasonably balanced trade.

*Article 3.* Import and export of goods within the framework of this Agreement shall be effected in accordance with internal import, export and exchange control laws and regulations in force in the USSR and in Kenya, and on the basis of contracts concluded between Soviet foreign trade organisations on the one hand and Kenya's natural persons and trading enterprises on the other hand.

*Article 4.* For the purpose of this Agreement, goods originating in the Union of Soviet Socialist Republics shall be regarded as Soviet products and goods originating in the Republic of Kenya as Kenyan products.

The country of origin of the goods shall be deemed to be the country where a product was produced and manufactured or underwent its last substantial processing, or in the case of non-processed agricultural products, the country where the products were actually produced. Both Contracting Parties reserve the right to subject the importation of certain goods to the submission of a certificate of origin by an organization authorised in this respect by the Government of the country of origin.

<sup>1</sup> Came into force on 22 February 1985, the date of the exchange of notes confirming its approval, in accordance with article 15 (1).

*Article 5.* The Contracting Parties have agreed that all payments between the USSR and Kenya resulting from the present Agreement shall be effected in freely convertible currency.

*Article 6.* Prices for the goods which are the subject of trade within the framework of the Agreement shall be current prices at the principal world markets for such goods. Goods for which no such prices can be established shall be valued at competitive prices for analogous goods of similar quality.

*Article 7.* Goods originating in the country of one Contracting Party imported into the territory of the other Contracting Party may be re-exported to a third country without prior approval of the competent authorities of the Contracting Party from whose territory the goods have been purchased. Either Contracting Party may, however, in the case of any particular commodity, withhold approval for such re-export or grant approval for the re-export of such commodity, subject to any conditions imposed by that Party.

*Article 8.* Either Contracting Party shall accord, subject to laws and regulations in force in its country, freedom of transit through its territory by the routes most convenient for international transit for goods en route to and from the territory of the other Contracting Party on conditions not less favourable than those accorded to any third country.

The goods of either country after they have been conveyed in transit through the territories of one or more third countries shall not, upon their importation into the territory of the other country, be subject to duties or charges higher than those which they would be subject to if they were imported directly from the territory of such country.

The provisions of the preceding paragraph of this article are also applicable to goods which during their transportation through the territory of a third country underwent transshipment, repacking or storage.

*Article 9.* Each Contracting Party shall encourage participation in trade fairs and exhibitions organized in the territory of the other Contracting Party.

*Article 10.* The Contracting Parties shall accord each other most-favoured-nation treatment in all matters with respect to the importation of commercial samples and advertising materials from the territory of the other Contracting Party. Commercial samples and advertising materials shall, at their importation from the territory of either Contracting Party into the territory of the other Contracting Party, be exempt from duties and charges in accordance with the laws and regulations in force in the respective country.

Subject to the internal laws and regulations in force in either country, either Contracting Party shall accord most-favoured-nation treatment with respect to exemption from duties and charges on the articles of the other Contracting Party, temporarily imported or brought into and subsequently taken out of its territory:

- (a) Articles destined for tests and experiments;
- (b) Articles destined for exhibitions, contests, fairs;
- (c) Tools to be used by assemblers in assembling and installing equipment;

- (d) Articles to be processed or repaired and materials required for processing or repairing;
- (e) Containers of exported or imported goods.

*Article 11.* Merchant vessels, together with the cargoes thereon, of either country while entering, lying in or leaving the ports of the other country shall enjoy most-favoured-nation treatment regarding facilities granted to the vessels of any third country.

*Article 12.* The Contracting Parties shall consult each other at the request of either of the Contracting Parties in respect of measures aimed at expansion of mutual trade and economic relations, as well as in solving questions pertaining to the implementation of this Agreement.

*Article 13.* From the day of signature of this Agreement the Trade Agreement between the Union of Soviet Socialist Republics and Kenya of April 29th, 1964 shall cease to apply.

*Article 14.* Upon the expiry of the present Agreement its provisions shall apply to all contracts concluded in the period of its validity and outstanding at the moment of the expiry of the Agreement.

*Article 15.* 1. The present Agreement shall be approved in accordance with the constitutional procedures of either Contracting Party and shall come into force on the date of the exchange of notes confirming such approval of the Agreement.

2. The Agreement shall remain in force for a period of two years following the day of coming into force of the Agreement and shall continue in force thereafter until the expiration of six months from the date on which either Contracting Party receives from the other Contracting Party a written notice of its intention to terminate the present Agreement.

3. The Contracting Parties have, however, agreed that the provisions of this Agreement shall be applied provisionally as from the day of its signature.

IN WITNESS WHEREOF, the plenipotentiaries of the two Contracting Parties have signed this Agreement and have affixed their seals.

DONE in Nairobi this eighth day of July 1983 in duplicate, each in the Russian and English languages, both texts being equally authentic.

For the Government  
of the Union of Soviet Socialist  
Republics:

[Signed — Signé]<sup>1</sup>

For the Government  
of the Republic of Kenya:

[Signed — Signé]<sup>2</sup>

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<sup>1</sup> Signed by G. Jouravlev — Signé par G. Jouravlev.

<sup>2</sup> Signed by D. Ukwanyo — Signé par D. Ukwanyo.