

No. 23528

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**FEDERAL REPUBLIC OF GERMANY**  
**and**  
**KENYA**

**Agreement concerning financial co-operation—*Loan to meet foreign exchange costs resulting from the purchase of goods* (with annex). Signed at Nairobi on 27 July 1984**

*Authentic texts: German and English.*

*Registered by the Federal Republic of Germany on 17 September 1985.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**  
**et**  
**KENYA**

**Accord de coopération financière — *Prêt pour financer le coût en devises de l'achat de biens* (avec annexe). Signé à Nairobi le 27 juillet 1984**

*Textes authentiques : allemand et anglais.*

*Enregistré par la République fédérale d'Allemagne le 17 septembre 1985.*

## AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FEDERAL 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,

With reference to the minutes of the intergovernmental negotiations of 5 April 1984 (item 2.1.4),

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 8,000,000 (eight million Deutsche Mark) to meet foreign exchange costs resulting from the purchase of goods 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 must be such as are covered by the list annexed to this Agreement and for which supply contracts have been concluded after the signing of the agreement to be concluded pursuant to Article 2 of the present Agreement.

*Article 2.* The utilization of the amount referred to in Article 1 of this Agreement, the terms and conditions on which it is made available as well as the procedure for awarding contracts 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.

*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 agreement referred to in Article 2 of the present Agreement.

*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 loan, abstain from taking

<sup>1</sup> Came into force on 27 July 1984 by signature, in accordance with article 7.

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, grant any necessary permits for the participation of such enterprises.

*Article 5.* With regard to supplies 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 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 Kenya 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 Nairobi on 27th July 1984 in duplicate in the English and German languages, both texts being equally authentic.

For the Government  
of the Republic of Kenya:

[Signed — Signé]<sup>1</sup>

For the Government  
of the Federal Republic of Germany:

[Signed — Signé]<sup>2</sup>

ANNEX TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING FINANCIAL CO-OPERATION

1. List of goods eligible for financing from the loan under Article 1 of the Agreement of 27th July 1984:

— Spare parts as well as raw and operating materials for projects of German-Kenyan co-operation.

The following sectors are eligible for promotion:

- Railways
- Telephone services (including traffic regulation installations)
- Agriculture
- Industry.

The supplies shall be procured from the Federal Republic of Germany.

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 loan.

<sup>1</sup> Signed by Harry M. Mule — Signé par Harry M. Mule.

<sup>2</sup> Signed by J. von Vacano — Signé par J. von Vacano.