

**No. 24426**

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**FEDERAL REPUBLIC OF GERMANY  
and  
KENYA**

**Agreement concerning financial co-operation. Signed at  
Nairobi on 24 April 1985**

*Authentic texts: German and English.*

*Registered by the Federal Republic of Germany on 12 November 1986.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
KENYA**

**Accord de coopération financière. Signé à Nairobi le 24 avril  
1985**

*Textes authentiques : allemand et anglais.*

*Enregistré par la République fédérale d'Allemagne le 12 novembre 1986.*

# AGREEMENT<sup>1</sup> 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,

With reference to the negotiations held in Bonn from 3 to 5 April 1984 and the Minutes of 5 April 1984 (item 2.1.2),

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, an additional loan of up to DM 10,400,000 (ten million four hundred thousand Deutsche Mark) for the projects referred to in paragraph 2 below.

(2) The loan shall serve to finance the following projects:

- (a) Water Supply Kitale II: DM 5,000,000 (five million Deutsche Mark). The amount provided for the project is thereby increased to a total of DM 15,000,000 (fifteen million Deutsche Mark).
- (b) Kericho Water Supply: DM 5,400,000 (five million four hundred thousand Deutsche Mark). The amount provided for the project is thereby increased to a total of DM 19,700,000 (nineteen million seven hundred thousand Deutsche Mark).

(3) The following funds shall be used to finance part of the amount referred to in paragraph 1 above:

- (a) DM 3,000,000 (three million Deutsche Mark) originally earmarked for Kenya Industrial Estates (KIE) (Agreement of 28 May 1982).<sup>2</sup> The total amount provided for this purpose is thereby reduced to DM 33,600,000 (thirty-three million six hundred thousand Deutsche Mark).
- (b) DM 2,000,000 (two million Deutsche Mark) from the loan granted for the Coastal Region Settlement Project, Phase II (Agreement of 12 November 1981).<sup>3</sup> A sum of DM 7,084,953.22 (seven million eighty-four thousand nine hundred and fifty-three Deutsche Mark) thus remains available for that project.

<sup>1</sup> Came into force on 24 April 1985 by signature, in accordance with article 7.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1339, p. 11.

<sup>3</sup> *Ibid.*, vol. 1321, No. 1-22014.

*Article 2.* The utilization of the amount referred to in Article 1 of this Agreement and 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 agreement 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 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.* 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 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 24th April 1985 in duplicate in the English and German languages, both texts being equally authentic.

[Signed — Signé]<sup>1</sup>

For the Government  
of the Republic of Kenya

[Signed — Signé]<sup>2</sup>

For the Government  
of the Federal Republic of Germany

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<sup>1</sup> Signed by George Saitoti — Signé par George Saitoti.

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