

No. 26484

**FEDERAL REPUBLIC OF GERMANY
and
KENYA**

Agreement concerning financial cooperation—*Development of Secondary Roads*. Signed at Nairobi on 19 November 1987

Authentic texts: German and English.

Registered by the Federal Republic of Germany on 16 March 1989.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
KENYA**

Accord de coopération financière — *Aménagement de routes secondaires*. Signé à Nairobi le 19 novembre 1987

Textes authentiques : allemand et anglais.

Enregistré par la République fédérale d'Allemagne le 16 mars 1989.

AGREEMENT¹ 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 item 2.2.1.1 of the Summary Record of 5 October 1986 of their intergovernmental negotiations,

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 further loan of up to 3,000,000 DM (three million Deutsche Mark) for the project "Development of Secondary Roads" if, after examination, the project has been found eligible for promotion.

A total amount of up to 31,800,000 DM (thirty-one million eight hundred thousand Deutsche Mark) is thus available for the aforementioned project.

(2) In addition, the Government of the Federal Republic of Germany shall enable the Government of the Republic of Kenya to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt/Main, a further financial contribution of up to 800,000 DM (eight hundred thousand Deutsche Mark) for the project "Advisory Assistance to the Ministry of Transport and Communications (MoTC) in Secondary-Road Construction".

A total amount of up to 8,900,000 DM (eight million nine hundred thousand Deutsche Mark) is thus available for the latter project.

(3) 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 Kenya to obtain from the Kreditanstalt für Wiederaufbau further loans or financial contributions for the implementation of the projects referred to in paragraphs 1 and 2 above.

(4) The projects referred to in paragraphs 1 and 2 above may be replaced by other projects if the Government of the Republic of Kenya and the Government of the Federal Republic of Germany so agree. Financial contributions for attendant measures pursuant to paragraph 2 above shall be converted into loans in the event that they are not used for such measures.

¹ Came into force on 19 November 1987 by signature, in accordance with article 7.

Article 2

The utilization of the amounts referred to in Article 1 of this Agreement and the terms and conditions on which they are made available, as well as the procedure for awarding contracts, shall be governed by the provisions of the agreements to be concluded between the recipient of the loan and the financial contribution and the Kreditanstalt für Wiederaufbau, which agreements 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 agreements 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 and air of persons and goods as results from the granting of the loan and 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

With regard to supplies and services resulting from the granting of the loan and 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 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 19th of November 1987 in duplicate in the English and German languages, both texts being equally authentic.

For the Government
of the Republic of Kenya:

[Signed — Signé]¹

For the Government
of the Federal Republic
of Germany:

[Signed — Signé]²

[Signed — Signé]³

¹ Signed by George Saitoti — Signé par George Saitoti.

² Signed by Klaiber — Signé par Klaiber.

³ Signed by Volkmar Köhler — Signé par Volkmar Köhler.