

No. 29714

**GERMANY
and
NAMIBIA**

Agreement concerning financial cooperation—*Ogongo-Oshakati Water Supply System*. Signed at Windhoek on 12 July 1991

Authentic texts: German and English.

Registered by Germany on 23 March 1993.

**ALLEMAGNE
et
NAMIBIE**

Accord de coopération financière — *Projet d'adduction d'eau d'Ogongo et d'Oshakati*. Signé à Windhoek le 12 juillet 1991

Textes authentiques : allemand et anglais.

Enregistré par l'Allemagne le 23 mars 1993.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING FINANCIAL COOPERATION (PROJECT: OGONGO-OSHAKATI WATER SUPPLY SYSTEM)

The Government of the Republic of Namibia
and
the Government of the Federal Republic of Germany,

in the spirit of the friendly relations existing between the Republic of Namibia and the Federal Republic of Germany,

desiring to strengthen and intensify those friendly relations through financial cooperation 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 Namibia,

have agreed as follows:

Article 1

- (1) The Government of the Federal Republic of Germany shall enable the Government of the Republic of Namibia to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, a financial contribution of up to DM 37,000,000 (thirty-seven million Deutsche Mark) for

¹ Came into force on 12 July 1991 by signature, in accordance with article 5.

the project "Ogongo-Oshakati Water Supply System" if, after examination, the project has been found eligible for promotion and it has been confirmed that, as a project concerned with social infrastructure or as a self-help measure for the eradication of poverty, it meets the specific requirements of promotion by means of a financial contribution.

- (2) If the confirmation referred to in paragraph 1 above cannot be obtained, the Government of the Federal Republic of Germany shall enable the Government of the Republic of Namibia to obtain from the Kreditanstalt für Wiederaufbau a loan of up to DM 37,000,000 (thirty-seven million Deutsche Mark) for the 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 Namibia to obtain from the Kreditanstalt für Wiederaufbau further loans or financial contributions for attendant measures required for the implementation and support of the project "Ogongo-Oshakati Water Supply System".
- (4) The project referred to in paragraph 1 above may be replaced by other projects if the Government of the Republic of Namibia and the Government of the Federal Republic of Germany so agree.

If it is replaced by a project concerned with environmental protection, social infrastructure or a self-help measure for the eradication of poverty, which project meets the specific requirements of promotion by means of a financial contribution, a financial contribution, otherwise a loan, may be granted.

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 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 Namibia shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other public charges levied in the Republic of Namibia 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 Namibia 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 Federal Republic of Germany, and grant any necessary permits for the participation of such enterprises.

Article 5

This Agreement shall enter into force on the date of signature thereof.

DONE at Windhoek on 12 July 1991
in duplicate in the English and German languages, both texts
being equally authentic.

For the Government
of the Republic of Namibia:

[Signed — Signé]¹

For the Government
of the Federal Republic of Germany:

[Signed — Signé]²

¹ Signed by Z. Ngavirue — Signé par Z. Ngavirue.

² Signed by Lüdeking — Signé par Lüdeking.