

No. 29678

FEDERAL REPUBLIC OF GERMANY
and
KENYA

**Agreement concerning financial cooperation. Signed at
Nairobi on 8 August 1990**

Authentic texts: German and English.

Registered by Germany on 23 March 1993.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
KENYA

**Accord de coopération financière. Signé à Nairobi le 8 août
1990**

Textes authentiques : allemand et anglais.

Enregistré par l'Allemagne le 23 mars 1993.

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 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 Kenya,

with reference to item 3.4.2.1 of the Summary Record of the
intergovernmental negotiations, dated 10 May 1990,

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

¹ Came into force on 8 August 1990 by signature, in accordance with article 7.

Corporation), Frankfurt/Main, a loan of up to DM 30,000,000 (thirty million Deutsche Mark) to be used within the framework of the adjustment programme for the financial field if, after examination, the project has been found eligible for promotion.

This loan shall be used to meet foreign exchange costs of current imports, excluding military, luxury and consumer goods, ecologically detrimental materials and chemicals relevant to the production of drugs.

- (2) 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 in connection with the adjustment programme for the financial field.
- (3) The project referred to in paragraph 1 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.

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 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

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

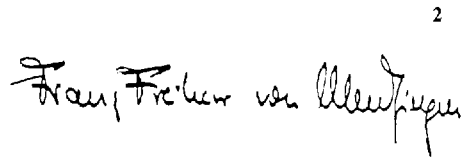
This Agreement shall enter into force on the date of signature thereof.

DONE at *Mairobi* on *8 August 1990*
in duplicate in the English and German languages, both texts
being equally authentic.

For the Government
of the Republic of Kenya:

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For the Government
of the Federal Republic of Germany:

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¹ Prof. G. Saitoti.

² Franz Freiherr von Mentzingen.