

No. 29676

**FEDERAL REPUBLIC OF GERMANY
and
KENYA**

**Agreement concerning financial cooperation—*Maintenance
and Development of Secondary Roads, Phase II*. Signed at
Nairobi on 23 May 1990**

Authentic texts: German and English.

Registered by Germany on 23 March 1993.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
KENYA**

**Accord de coopération financière — *Entretien et aménagement
de routes secondaires, phase II*. Signé à Nairobi le
23 mai 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 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,

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 7,000,000 (seven million Deutsche Mark) and

¹ Came into force on 23 May 1990 by signature, in accordance with article 7.

a financial contribution of up to DM 3,000,000 (three million Deutsche Mark) for the project "Maintenance and Development of Secondary Roads, Phase II".

A total amount of up to DM 50,700,000 (fifty million seven hundred thousand Deutsche Mark) is thus available for the aforementioned project.

- (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 or financial contributions for the implementation and support of the project referred to in paragraph 1 above.
- (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.

Financial contributions for preparatory and attendant measures pursuant to paragraphs 1 and 2 above shall be converted into loans in the event that they are not used for such measures.

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 agreement to be concluded between the recipient of the loan

and financial contribution and the Kreditanstalt für Wiederaufbau, which agreement shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

Article 3

- (1) 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.
- (2) The Government of the Republic of Kenya shall exempt the material financed out of the loan referred to in Article 1 of this Agreement and supplied for the project from licences, import and export duties, value-added tax and storage fees, and ensure that it is cleared by customs without delay.

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 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

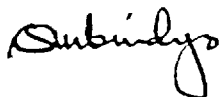
This Agreement shall also apply to Land Berlin, provided that the Government of the Federal Republic of Germany does not make a contrary declaration to the Government of the Republic of Kenya within three months of the date of entry into force of this Agreement.

Article 7

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

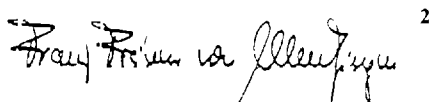
Done at NAIROBI on 23/5/90
in duplicate in the English and German languages, both
texts being equally authentic.

For the Government
of the Republic of Kenya:



¹

For the Government
of the Federal Republic of Germany:



²

¹ Charles Mbindyo.

² Franz Freiherr von Mentzingen.