

◎無償資金協力に関する日本国政府とケニア共和国政府との間の交換公文

(略称) ケニアとの贈与取極 (UNCTAD債務救済)

平成	二年十二月二十八日	ナイロビで
平成	二年十二月二十八日	効力発生
平成	四年 三月 三日	告示

(外務省告示第九二号)

概要

1 援助の目的及び内容 貧困開発途上国の債務問題に関する昭和五十三年三月十一日付けの国際連合貿易開発会議第九回特別貿易開発理事会第三会期決議第百六十五号に留意し、ケニアの経済の発展と国民の福祉の向上に寄与するため、両政府の関係当局が合意する生産物及び役務を購入するための資金を贈与すること。

2 贈与額 四千二百二十四千円

3 署名者

日本側 熊谷直博在ケニア大使

ケニア側 ジョージ・サイトティ副大統領兼大蔵大臣

(Japanese Note)

Nairobi, 28 December, 1990

Excellency,

I have the honour to refer to the resolution 165 dated March 11, 1978 of the Third Part of the Ninth Special Session of the Trade and Development Board of the United Nations Conference on Trade and Development regarding debt and development problems of developing countries and to the recent discussions held between the representatives of the Government of Japan and of the Government of the Republic of Kenya concerning Japanese economic cooperation to be extended to the Republic of Kenya with a view to strengthening friendly and cooperative relations between the two countries, and to propose on behalf of the Government of Japan the following arrangements:

1. Noting the debts of the Government of the Republic of Kenya under the loan agreements concluded in accordance with the notes exchanged between the Government of Japan and the Government of the Republic of Kenya on the dates enumerated in the list attached to this Note, the Government of Japan will extend to the Government of the Republic of Kenya, in accordance with the relevant laws and regulations of Japan, a grant of forty-two million twenty-four thousand yen (¥42,024,000) (hereinafter referred to as "the Grant") for the purpose of contributing to the development of the economy of the Republic of Kenya and the enhancement of the welfare of its people.
2. (1) The Grant and its accrued interest will be used by the Government of the Republic of

Kenya properly and exclusively for the purchase of products enumerated in a list to be mutually agreed upon between the authorities concerned of the two Governments and services incidental to such products, provided that those products are produced in eligible source countries.

(2) The list mentioned in sub-paragraph (1) above will be subject to modifications which may be agreed upon between the authorities concerned of the two Governments.

(3) The scope of the eligible source countries mentioned in sub-paragraph (1) above will be agreed upon between the authorities concerned of the two Governments.

3. (1) The Government of the Republic of Kenya will open a yen ordinary deposit account at an authorized foreign exchange bank of Japan in the name of the Government of the Republic of Kenya (hereinafter referred to as "the Account") within fourteen days after the date of coming into force of the present arrangements and will notify in writing the Government of Japan of the completion of the procedure for opening the Account within seven days after the date of the opening of the Account.

(2) The sole purpose of the Account is to receive the payment in Japanese yen by the Government of Japan referred to in paragraph 4 as well as to make payments necessary for the purchase of the products and services referred to in sub-paragraph (1) of paragraph 2, and such other payment as may be agreed upon by the authorities concerned of the two Governments.

4. The Government of Japan will execute the Grant by making payment in Japanese yen of the

amount referred to in paragraph 1 to the Account during the period between the date of receipt of the written notification referred to in sub-paragraph (1) of paragraph 3 and March 31, 1991, unless the period is extended by mutual agreement between the authorities concerned of the two Governments.

5. (1) The Government of the Republic of Kenya will take necessary measures:

(a) to use the Grant and its accrued interest within a reasonable period after the Grant is executed;

(b) to ensure that customs duties, internal taxes and other fiscal levies which may be imposed in the Republic of Kenya with respect to the purchase of the products and services referred to in sub-paragraph (1) of paragraph 2 shall not be borne by the Grant;

(c) to ensure that the products purchased under the Grant be maintained and used properly and effectively for the development of the economy of the Republic of Kenya and the enhancement of the welfare of its people; and

(d) to submit to the Government of Japan a report prepared in a written form acceptable to the Government of Japan on the transactions on the Account together with copies of contracts, vouchers and other documents concerning the relevant transactions without delay when the Grant and its accrued interest are completely drawn in accordance with the provisions of sub-paragraph (2) of paragraph 3 or upon request by the Government of Japan.

(2) The products purchased under the Grant shall not be re-exported from the Republic of

Kenya.

6. The two Governments will consult with each other in respect of any matter that may arise from or in connection with the present arrangements.

I have further the honour to propose that this Note and Your Excellency's Note in reply confirming on behalf of the Government of the Republic of Kenya the foregoing arrangements shall be regarded as constituting an agreement between the two Governments, which will enter into force on the date of Your Excellency's reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) Naohiro Kumagai  
Ambassador Extraordinary  
and Plenipotentiary of Japan  
to the Republic of Kenya

Hon.  
Prof. George Saitoti  
Vice-President and Minister  
for Finance Office of  
the Vice-President and  
Ministry of Finance  
of the Republic of Kenya

List

1. September 7, 1966
2. January 31, 1973
3. September 12, 1975
4. April 27, 1977

(Kenyan Note)

Nairobi, 28 December, 1990

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"(Japanese Note)"

I have further the honour to confirm on behalf of the Government of the Republic of Kenya the foregoing arrangements and to agree that Your Excellency's Note and this Note shall be regarded as constituting an agreement between the two Governments, which will enter into force on the date of this reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) George Saitoti  
Vice-President and Minister  
for Finance Office of the  
Vice-President and Ministry Finance  
of the Republic of Kenya

His Excellency  
Mr. Naohiro Kumagai  
Ambassador Extraordinary and  
Plenipotentiary of Japan to  
the Republic of Kenya