

Agreement

between

the Royal Government of Cambodia

and

the Government of the Federal Republic of Germany

regarding

Technical Cooperation

in 2009

The Royal Government of Cambodia
and
the Government of the Federal Republic of Germany,

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

desiring to strengthen and intensify those friendly relations through technical 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 Kingdom of Cambodia,

referring to the Summary Record of the 2009 intergovernmental negotiations held in Phnom Penh on 16 October 2009 and Notes Verbale No. 141/09 of 17 September 2009 and 113/10 of 17 August 2010,

have agreed as follows:

Article 1

(1) In pursuance of the Agreement of 6 May 1994 between the Government of the Federal Republic of Germany and the Royal Government of Cambodia regarding Technical Cooperation, the following projects shall be promoted:

1. Joint Programme on Social Health Protection II,
2. Programme Regional Economic Development II,
3. Support to the Land Sector Reform,

4. Access to Justice for Women,
5. Support to the Land Management Reform,
6. Land Allocation for Social and Economic Development (LASED),
7. Identification of Poor Households,
8. Programme Regional Economic Development II,
9. Land Allocation for Social and Economic Development (LASED),
10. Renewable Energy Programme,
11. Administrative Reform and Decentralization III (ARDP),
12. Access to Justice for Women,

if on examination they have been found eligible for promotion.

(2) For the projects specified in paragraph (1) above the Government of the Federal Republic of Germany shall make available at its own expense contributions totalling EUR 17,600,000 (seventeen million six hundred thousand euro) in the form of personnel, inputs and, where appropriate, financial contributions. It shall charge the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH with the implementation of the projects specified in paragraph (1) above.

(3) The Royal Government of Cambodia shall guarantee that each project is provided with an itemized budget of its own in order to ensure its smooth implementation and shall ensure that the institutions it will charge with implementation provide the necessary contributions for the projects specified in paragraph (1) above.

(4) The projects specified in paragraph (1) 1–7 and 11–12 above may be replaced by other projects provided the Government of the Federal Republic of Germany and the Royal Government of Cambodia so agree.

(5) The commitments for the projects specified in paragraph (1) 1–7 and 11–12 above and for the technical cooperation sum specified in paragraph (2) above shall lapse without replacement if the implementation and financing agreements referred to in Article 2 of the present Agreement are not concluded within a period of eight years after the year in which the commitments were made. For the commitments made in 2009 regarding the projects specified in paragraph (1) 1–7 above, without prejudice to the provisions of paragraph (4) above, this deadline shall be 31 December 2017. If, in the given period, implementation and financing agreements are concluded for a part of the commitments only, this cancellation clause shall apply solely to the amounts not covered by those agreements.

(6) For the commitments made in 2010 regarding the projects specified in paragraph (1) 11 and 12 above, without prejudice to the provisions of paragraph (4) above, this deadline shall be 31 December 2018. If, in the given period, implementation and financing agreements are concluded for a part of the commitments only, this cancellation clause shall apply solely to the amounts not covered by those agreements.

(7) For the commitments made in 2010 regarding the projects specified in paragraph (1) 8–10 above, an implementation and, where appropriate, financing agreement must be concluded by 31 December 2010. The reason for this is that the funds were committed from the cash budget of the Federal Ministry for Economic Cooperation and Development (BMZ) for 2010 and have to be spent by the GTZ in 2010.

Article 2

Details of the projects specified in Article 1 (1) of the present Agreement and of the contributions and obligations shall be laid down in individual implementation agreements and, where appropriate, financing agreements, to be concluded between the institutions charged or to be charged under Article 1 (2) and (3) of the present Agreement with the implementation of the projects. These implementation and financing agreements shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

Article 3

(1) The Royal Government of Cambodia shall exempt the materials, motor vehicles, goods, items of equipment and spare parts supplied for the projects specified in Article 1 (1) of the present Agreement on behalf and at the expense of the Government of the Federal Republic of Germany from licences, customs duties, harbour dues, import and export duties and other public charges, as well as storage fees, and shall ensure that these inputs are cleared by customs without delay.

(2) The Royal Government of Cambodia shall exempt the GTZ from all taxes and other public charges levied in the Kingdom of Cambodia in connection with the conclusion and fulfilment of the implementation and financing agreements referred to in Article 2 of the present Agreement.

Article 4

The project Support to the Implementation of the Water and Agriculture Strategy (SI-WAS) specified in the Agreement of 13 August 2008 regarding Technical Cooperation in 2007, for which a total amount of EUR 2,000,000 (two million euro) was envisaged, shall be replaced by the project Support to the Land Sector Reform, if on examination it has been found eligible for promotion. In all other respects the provisions of the present Agreement shall apply to this project.

Article 5

The Royal Government of Cambodia has agreed to the proposal made in Note Verbale No. 113/10 of 17 August 2010 to reprogramme EUR 550,000 (five hundred and fifty thousand euro) from the new commitment for the project Identification of Poor Households and use it for the new project Programme on Support to the Land Sector Reform. The new project Programme on Support to the Land Sector Reform shall thus be implemented with a total amount of EUR 4,550,000 (four million five hundred and fifty thousand euro).

Article 6

In all other respects the provisions of the Agreement of 6 May 1994 regarding Technical Cooperation referred to in Article 1 (1) above shall apply to the present Agreement.

Article 7

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

Done at Phnom Penh on *14 December 2010* in duplicate in the German, Cambodian and English languages, all three texts being authentic. In case of divergent interpretations of the German and Cambodian texts, the English text shall prevail.

For the Royal Government
of Cambodia



For the Government of the
Federal Republic of Germany

