

FINAL ACT OF THE INTERNATIONAL CONFERENCE OF BAUXITE PRODUCING COUNTRIES

I

An international conference of bauxite producing countries was held in Conakry from 5 – 8 March 1974 at the invitation of the Republic of Guinea.

The conference met to consider a draft agreement for the establishment of an International Bauxite Association to further the interests of bauxite producing countries.

The conference was convened at Ministerial level, and was preceded by a meeting of officials from 3 – 4 March.

The following countries were represented :

Australia
Guinea
Guyana
Jamaica
Sierra Leone
Surinam
Yugoslavia

At the invitation of the Guinean Government the following countries sent observers to the conference :

Algeria
Cameroon
Ghana
Mali

An invitation was also sent to Indonesia but it was unable to attend.

The Leader of the Guinean delegation, the Minister of Mines and Geology, H.E. Mohamed Lamine Toure, was elected President of the conference.

Delegations agreed on the text of an Agreement establishing the International Bauxite Association which reads as follows :

Agreement Establishing the International Bauxite Association

The Contracting Parties,

Conscious of the importance of bauxite and its products to the world

economy in general and to their own national economies in particular;
Anxious to promote the orderly and rational management, including the mining, processing and marketing of the bauxite resources of producing countries;

Mindful of the need to involve their own nationals more directly in such management;

Recognising the power and influence of multinational corporations in the exploitation and processing of bauxite and the marketing of its products;

Convinced that increased cooperation and concerted action on the part of bauxite producing countries will contribute to the maximization of economic and social benefits accruing to their peoples from the exploitation of their bauxite resources;

Concious further of the need to safeguard their permanent sovereignty over their natural resources;

Have agreed as follows :

Article I

Establishment

The International Bauxite Association (hereinafter referred to as "the Association") is hereby established.

Article II

Membership

1. Membership of the Association shall be open to :
 - (a)
 - (i) Australia
 - (ii) Guinea
 - (iii) Guyana
 - (iv) Jamaica
 - (v) Surinam
 - (vi) Yugoslavia
 - (b) Any other bauxite producing country which in the opinion of the Council of Ministers is able and willing to exercise the rights and assume the obligations of membership arising under this Agreement.
2. Countries listed in paragraph 1 (a) of this Article which sign this Agreement in accordance with Article XX and ratify and approve it in accordance with Article XXI shall become members of the Association.

Article III

Objectives

The objectives of the Association are :

- (a) to promote the orderly and rational development of the bauxite industry;
- (b) to secure for member countries fair and reasonable returns from the exploitation, processing and marketing of bauxite and its products for the economic and social development of their peoples bearing in mind the recognised interests of consumers;
- (c) generally to safeguard the interests of member countries in relation to the bauxite industry.

Article IV

Obligations of Member Countries

In furtherance of these objectives member countries shall :

- (a) exchange information concerning all aspects of the exploitation, processing, marketing and use of bauxite and its derivatives;
- (b) endeavour to harmonise their decisions and policies relating to the exploration, mining, processing and marketing of bauxite, alumina and aluminium, bearing in mind the need to ensure that
 - (i) member countries enjoy reasonable returns from their production;
 - (ii) the consumers of these commodities are adequately supplied at reasonable prices
- (c) take action aimed at securing maximum national ownership of and effective national control over the exploitation of this natural resource within their territories and to support as far as possible any such action on the part of member countries;
- (d) endeavour to ensure that operations or projected operations by multinational corporations in the bauxite industry of one member country shall not be used to damage the interests of other member countries;
- (e) conduct jointly such research as may be deemed appropriate in their mutual interest;
- (f) explore the possibilities of joint or group purchasing of materials and equipment and of providing common services to member countries in their mutual interest.

Article V

General undertaking as to implementation

Member countries shall take all appropriate measures to ensure that obligations arising out of this Agreement are carried out and to facilitate the achievement of the objectives of the Association

Article VI**O r g a n s**

The following shall be the organs of the Associations :

- (a) The Council of Ministers
- (b) The Executive Board
and
- (c) The Secretariat

Article VII**Composition of the Council of Ministers**

The Council of Ministers shall be composed of Ministers of member countries. Each member country shall be entitled to designate a Minister as its representative on the Council of Ministers.

Article VIII**Functions of the Council of Ministers**

1. The Council of Ministers shall be the supreme organ of the Association.
2. The Council of Ministers shall :
 - a) determine the policy of the Association;
 - b) approve the budget of the Association;
 - c) consider and determine applications for membership of the Association;
 - d) appoint the Secretary General of the Association;
 - e) consider and determine disputes among member countries concerning the interpretation and application of the Agreement;
 - f) subject to the relevant provisions of Article IX approve its own rules of procedure and those of the Executive Board;
 - g) determine the international organisations with which the Association may be associated or affiliated in the performance of its functions;
 - h) perform any other function which may from time to time be entrusted to it by agreement of member countries.

Article IX**Procedures of the Coouncil of Ministers**

1. The Council of Ministers shall meet in ordinary session once every calendar year, and, when circumstances so require, in extraordinary session at the request of not less than two member countries.
Sessions of the Council of Ministers shall be held ordinarily at the

- Headquarters of the Association, but a session may be held in the territory of any member country if the Council of Ministers so decides.
2. Each member of the Council of Ministers shall have one vote. Subject to the provisions of paragraph 4, the Council of Ministers shall make decisions by an affirmative vote of all its members. Such decisions shall have binding force.
 3. Recommendations of the Council of Ministers shall be made by the affirmative vote of a two-thirds majority of all its members. A recommendation shall not have binding force but members shall use their best endeavours to secure as far as possible compliance therewith.
 4. Decisions relating to the internal operations of the Association or any of its organs shall be taken by a simple majority of the members.

Article X

Composition of the Executive Board

1. The Executive Board shall consist of representatives of member countries. Each member country shall be entitled to designate two representatives on the Executive Board.
2. Each member country may designate in addition, alternates to the representatives who may attend meetings of the Executive Board in place of the representatives.

Article XI

Functions of the Executive Board

1. The Executive Board shall, subject to the general direction of the Council of Ministers, take all appropriate measures for the achievement of the objectives of the present Agreement. In particular, it shall :
 - a) examine proposals for action and coordinate the activities of member countries;
 - b) be competent to give preliminary consideration to matters proposed by a member country for the consideration of the Council of Ministers and make recommendations thereon to the Council of Ministers;
 - c) examine the budget of the Association for submission to the Council of Ministers, and supervise the activities of the Secretariat;
 - d) approve the administrative and financial regulations governing the activities of the Association including the work of the Secretariat.
2. Meetings of the Executive Board shall ordinarily be held at the Headquarters of the Association and not less frequently than three times in

each calendar year, one meeting being always held immediately before the ordinary session of the Council of Ministers.

3. The executive Board may :
 - a) propose to the member countries individual and collective measures relating to the production and processing of bauxite, research, joint ventures and any other activities which may be legitimately carried on under the provisions of this Agreement;
 - b) determine the technical studies which the Secretariat shall undertake;
 - c) establish such Committees as circumstances may require.

Article XII

The Secretariat

1. The Secretariat shall consist of the Secretary-General and such administrative research and other technical staff as may be required for the discharge of its functions.
2. The Secretary-General shall hold office for 3 years and shall be eligible for re-appointment.
3. The Secretary-General shall organise the work of the Secretariat, direct the staff and generally manage the affairs of the Association in accordance with the policies laid down by the Council of Ministers and the directions of the Executive Board.
4. Without prejudice to the generality of paragraph 3 of this Article, the Secretary-General shall immediately organise the collection of information and the presentation of reports on demand for and supply of bauxite and bauxite products in world markets, on agreements and regulations effecting the use of and markets for these products, on technological advances in the transformation and utilization of bauxite and on economic and technological developments affecting the bauxite and aluminium industries. He shall take early steps also to ensure that an adequate complement of research and other technical staff becomes available for the work of the Association.
5. Members of the staff of the Secretariat, except staff engaged in a temporary or consultative capacity, shall be nationals of a member country. Senior administrative and technical staff be appointed by the Executive Board on the recommendation of the Secretary-General. In the appointment of such staff the Executive Board shall endeavour to secure the widest possible representation of nationals of member countries which is consistent with efficiency. In the discharge of their duties the Secretary-General

General and staff of the Sekretariat shall not seek or receive instructions from any member country or from any authority external to the Association.

6. The Sekretariat shall provide such services as are required for meetings of the Council of Ministers and the Executive Board and shall generally assist the Council of Ministers and the Executive Board in the implementation of the provisions of this Agreement.
7. Each member country of the Association undertakes to respect the international character of the duties of the Secretary-General and the staff and not to seek to influence them in the discharge of their duties.

Article XIII **Official Languages**

The official languages of the Association shall be French and English.

Article XIV **Headquarters and Offices**

The Headquarters of the Association shall be established in Jamaica, An office of the Sekretariat may also be established in any other country with the approval of the Executive Board and the consent of the Council of Ministers.

Article XV **Legal capacity**

The Association shall have in the territory of each member country, such legal capacity as may be necessary for the exercise of its functions under this Agreement. In any legal proceedings the Association shall be represented by the Secretary-General.

Article XVI **Privileges and Immunities**

1. The privileges and immunities to be recognised and granted by member countries in connection with the Association shall be set out in a Protocol to this Agreement.
2. The Association shall conclude with the Government of the member country in which its Headquarters or any branch of the Sekretariat is situated an agreement relating to the privileges and immunities to be recognised and granted in respect of the Sekretariat and its staff.

Article XVII**Financial Year**

The financial year of the Association shall be the calendar year.

Article XVIII**B u d g e t**

1. The expenses of the Association shall be met by contributions from member countries.
2. Before the beginning of each financial year, a budget of the proposed expenditure and revenue of the Association for the year shall be prepared by the Secretary-General, examined by the Executive Board and submitted for the approval of the Council of Ministers. The budget for each year shall be submitted to the Council of Ministers in time to be approved not later than the 30th November in the preceding year.
3. Where necessary a supplementary budget may also be submitted for the approval of the Council of Ministers after the beginning of the financial year.
4. Member countries may make advances to the Secretariat of funds to meet the expenses of the Association until contributions to the budget are received.

Article XIX**Contributions**

1. Annual contributions towards the expenses of the Association shall be paid by each member country on a basis to be determined by the Council of Ministers.
Contributions shall be paid in freely convertible currencies in such instalments as the Secretary-General may decide with the approval of the Council of Ministers.
2. The representative of a country whose contributions are in arrears by more than six months shall not be entitled to vote in meetings of the Executive Board while the payments remain in arrears.
3. As soon as possible after the close of the financial year, but not later than sixth days thereafter, an audited statement of receipts and expenditure in respect of that year shall be prepared by the Secretary-General and submitted to the Executive Board.

Article XX
Signature

This Agreement shall remain open at Conakry, in the Republic of Guinea, for signature by the duly accredited representatives of the countries listed in paragraph 1 (a) of Article II of this Agreement.

Article XXI
Ratification

The Agreement and any amendment thereto shall be subject to ratification or approval. Instruments of ratification or notification of approval shall be deposited with the Government of Jamaica which shall transmit certified copies to each member country.

Article XXII
Entry into Force

This Agreement shall enter into force when the last instrument of ratification or notification of approval has been deposited with the Government of Jamaica in accordance with Article XXI by the countries listed in paragraph 1 (a) of Article II of this Agreement.

Article XXIII
Accession

1. Any bauxite producing country may apply to the Council of Ministers to a member of the Association and may, if the Council of Ministers so decides be admitted to membership in accordance with paragraph 2 of this Article.
2. Admission to membership shall be upon such terms and conditions as the Council of Ministers may decide. It shall take effect from the date on which an appropriate instrument of accession is deposited with the Government of Jamaica.

Article XXIV
Amendments

The Council of Ministers may by the affirmative vote of all its members recommend to member countries the amendment of this Agreement.

Any such amendment shall enter into force thirty days after the date on which the last instrument of ratification or notification of approval is deposited with the Government of Jamaica.

**Article XXV
Registration**

This Agreement and any amendments thereto shall be registered with the United Nations.

**Article XXVI
Withdrawal**

1. Any member country may withdraw from the Association. Written notice of the intention to withdraw shall be addressed by the member country to the Secretary-General who shall immediately communicate this notice to the other parties to this Agreement. Unless this notice is revoked or modified the withdrawal shall take effect 12 months after the date on which the notice was received by the Secretary-General.
2. A member country which withdraws from the Association undertakes to honour any financial obligations assumed during its membership of the Association.

**Article XXVII
Termination**

This Agreement may be terminated by the affirmative vote of all members of the Council of Ministers.

**Article XXVIII
Depository**

The original of this Agreement, of which the English and French texts are equally authoritative, shall be deposited with the Government of Jamaica which shall transmit certified copies thereof to each signatory and acceding Government.

In witness whereof the undersigned being duly authorised to this effect by their respective Governments have signed the present Agreement on the dates opposite their respective signatures.

For Australia

For Guine

For Guyana

For Jamaica

For Surinam

For Yugoslavia

The Conference adopted the following resolutions :

A

The Conference

Having recognised the importance of cooperation between bauxite producing countries;

Taking into account the need to facilitate cooperation between these countries in the interests of improving the economic and social development of their peoples;

Convinced that an International Bauxite Association would make a valuable contribution to the achievement of cooperation, the promotion of orderly and rational development of the bauxite industry, the securing of reasonable returns for bauxite and its products and would safeguard the interests of member countries;

Resolves that the Agreement to establish the International Bauxite Association be submitted to Governments for their early approval.

B

The Conference

Recognising that its work has been materially assisted by the report of the Officials who met in Belgrade from 29 October to 2 November 1973 and prepared a draft agreement;

Records its appreciation of the preparatory work done by this Group.

C

The Conference

Considering the importance of having all significant and potentially significant bauxite producing countries aware of the establishment of the

Agree that participating countries may pass copies of the Agreement to those producing countries which they consider would have a proper interest in the International Bauxite Association.

D

The Conference

Recognising the valuable assistance provided by the Guinean Government and the contribution which this has made to the success of the conference;

Records its deep appreciation for the efforts made by the Government of the Republic of Guinea to facilitate the success of the conference.

III

In Witness Whereof the Delegates have signed this Final Act.

Done at Conakry on the eighth day of March One Thousand Nine Hundred and Seventy-four in one original in the English and French languages which shall be deposited with the Government of the Republic of Guinea, and a certified copy of which shall be delivered to the Delegates having participated in the conference.

For Australia

For Guine

For Guyana

For Jamaica

For Sierra Leone

For Surinam

For Yugoslavia

IBA/EB/IV/4/75, Rev.2
(IBA/COM/II/7A/75)

PROTOCOL TO THE AGREEMENT ESTABLISHING THE INTERNATIONAL BAUXITE ASSOCIATION

The Contracting Parties

NOTING the provisions of Articles XV and XVI of the Agreement Establishing the International Bauxite Association (hereinafter referred to as the "Association");

DESIRING to conclude an agreement relating to the privileges and immunities to be recognised and granted to the Association in accordance with the aforementioned Agreement;

HAVE AGREED as follows :

Article I Use of terms

In this Protocol :

- (a) "archives of the Association" means the records, correspondence, documents, manuscripts, photographs, slides, films, sound recordings, and in general all documents belonging to or held by the Association;
- (b) "Member Country" means, unless it appears other wise from the context, a Member country of the Association which is party to this Protocol;
- (c) "official of the Secretariat" means any member of the administrative, research or other technical staff of the Secretariat of the Association;
- (d) "property" as used in Articles III and VI means all property, including funds, securities or currency of any kind belonging to or held or administered by the Association in furtherance of its constitutional functions and, in general, all income accruing to the Association;
- (e) "representatives of Member Countries" means persons on whom a Member Country has conferred that capacity, and shall be deemed to include all alternates, advisers, technical experts and secretaries of delegations;
- (f) "the Secretary General" means the Secretary General of the Associa-