ROUND OF NEGOTIATIONS
OF BILATERAL INVESTMENT TREATIES
FOR ENGLISH-SPEAKING AFRICAN
LEAST DEVELOPED COUNTRIES

Palais des Nations, Geneva
30 June - 4 July 2003

FINAL REPORT
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The UNCTAD Secretariat organized a round of BITs negotiations for a group of English-speaking African Least-Developed Countries (LDCs) in Geneva (Switzerland) from 30 June to 4 July 2003. The round brought together the following LDCs: Botswana, Ethiopia, Ghana, Kenya, Lesotho, Malawi, Tanzania, Uganda and Zimbabwe. Upon the request of these LDCs, the following countries were invited to negotiate with them and responded favourably: China, the Economic Union of Belgium-Luxembourg, Egypt, Finland, France, Italy, Mauritius and Switzerland. The OPEC Fund for International Development was also requested by several countries and responded favourably to the invitation. In addition, the participating LDCs also held negotiations among themselves.

The results of the negotiations are the following:

19 BITs were concluded by and between:

- Belgium-Luxemburg and Botswana
- Belgium-Luxemburg and Ethiopia
- Belgium-Luxemburg and Mauritius
- Belgium-Luxemburg and Zimbabwe
- Botswana and Egypt
- Botswana and Ghana
- Botswana and Mauritius
- Botswana and Zimbabwe
- China and Uganda
- Egypt and Mauritius
- Ethiopia and Mauritius
- Ethiopia and Uganda
- Ghana and Zimbabwe
- Lesotho and Switzerland
- Malawi and Zimbabwe
- Mauritius and Tanzania
- OPEC Fund and Zimbabwe
- Tanzania and Zimbabwe
- Uganda and Zimbabwe
13 agreed minutes on a text with brackets were signed by and between:

Belgium-Luxemburg and Malawi  
Botswana and France  
Botswana and Kenya  
Ethiopia and OPEC Fund  
Finland and Mauritius  
France and Kenya  
Italy and Mauritius  
Kenya and Malawi  
Kenya and Mauritius  
Kenya and OPEC Fund  
Malawi and Switzerland  
Malawi and Tanzania  
Tanzania and OPEC Fund

In addition, the model texts of the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain were passed on to the relevant negotiating teams.
PROGRAMME

Context:
The UNCTAD secretariat has launched an initiative on capacity-building in developing countries on issues related to international investment agreements. Part of this initiative is to give developing countries and particularly Least Developed Countries (LDCs) an opportunity to negotiate bilateral investment treaties for the promotion and protection of investment (BITs) and double taxation treaties (DTTs). The UNCTAD secretariat has organized several such rounds since early 1999. One type of rounds is organized at the request of groups of countries, such as the G-15 rounds in 1999, the Sapporo round bringing together 12 developing countries from all regions in Japan in June 2000 and resulting in the conclusion of 22 BITs and the negotiation of 8 further agreements, the round organized for Francophone LDCs in Geneva in January 2001 bringing together 18 countries (among which 9 LDCs) and resulting in the conclusion of 42 agreements and the negotiation of further 9 agreements, the round for a group of LDCs organized in Bonn, Germany, in October 2001 bringing together 11 economies and resulting in the conclusion of 13 BITs, and the round for Francophone LDCs organized in November 2002 bringing together 19 countries (among which 10 LDCs) and resulting in the conclusion of 28 agreements. Another type of rounds is organized at the specific request of one country and brings together several countries that will negotiate with this country. The participating countries are however given the opportunity to also negotiate with the other countries present in the round. This type of round has been organized at the request of Thailand in January 2000, Bolivia in March 2000, the Kyrgyz Republic in January 2001, India in February 2001 and Croatia in April 2001.

This round of negotiation is financed by the Trust Fund on Capacity-building in Developing Countries on Issues in IIAs to which contribute the Agence intergouvernementale de la Francophonie, France, Germany, Japan, the Netherlands, Norway, Portugal, Sweden, Switzerland and the United Kingdom.

Objectives:
The principal objective of the round is to facilitate the negotiation of BITs by LDCs with other developing and developed countries.

Participants:
The meeting brings together teams of BITs negotiators mandated by their country to negotiate and conclude such agreements.

UNCTAD’s role:
To assist the negotiators, the secretariat provides the assistance of resource persons for the facilitation and the organization of the round. The preparatory work is facilitated by the exchange of drafts and comments on the proposals of the other country, through the UNCTAD secretariat. Invitations to participate are sent out and follow-up on the participation and the nomination of negotiators is also provided for. The UNCTAD secretariat then prepares the negotiating matrix and the programme for the round. During the round, the secretariat will make available conference and meeting facilities, secretarial backstopping and background documentation to enable negotiators to consult in case of difficulties arising from the negotiations. Upon request from participants, experts can be called upon and/or can be present throughout the round to provide assistance and advice.
Monday 30 June 2003

8:45 – 9:00  Opening ceremony

9:00 – 13:00  

**Bilateral negotiations:**

Botswana – Belgium (Room A 239)
Malawi – Tanzania (Room A 241)
Uganda – China (Room A 259)
Kenya – Mauritius (Room A 261)
Lesotho – OPEC Fund for International Development (Room A 263)
Ghana – Zimbabwe (Central hall)

13:00  Lunch

14:00 – 18:00  

**Bilateral negotiations:**

Malawi – Belgium (Room A 239)
Uganda – China (Room A 241)
Tanzania – Mauritius (Room A 259)
Botswana – Zimbabwe (Room A 261)
Ethiopia – OPEC Fund for International Development (Room A 263)

Tuesday 1 July 2003

9:00 – 13:00  

**Bilateral negotiations:**

Botswana – Mauritius (Room A 239)
Zimbabwe – Belgium (Room A 241)
Lesotho – China (Room A 259)
Malawi – Kenya (Room A 261)
Botswana – OPEC Fund for International Development *(touch-base: lunch time)*

13:00  Lunch

14:00 - 18:00  

**Bilateral negotiations:**

Botswana – Mauritius (Room A 239)
Ethiopia – Belgium (Room A 241)
Lesotho – China (Room A 259)
Malawi – Kenya (Room A 261)
Uganda – Zimbabwe (Room A 263)
Tanzania–OPEC Fund for International Development (Room E.10077)
Wednesday 2 July 2003

9:00 – 13:00  **Bilateral negotiations**:

Botswana – Kenya (Room A 239)
Lesotho – Italy (Room A 241)
Ghana – Belgium (Room A 259)
Mauritius – Egypt (Room A 261)
Malawi – Switzerland (Room A 263) – *negotiations starting at 10:00*
Zimbabwe–OPEC Fund for International Development (Room E.10077)

13:00  Lunch

14:00 – 18:00  **Bilateral negotiations**:

Botswana – Egypt (Room A 239)
Mauritius – Belgium (Room A 241)
Ethiopia – Uganda (Room A 259)
Malawi – Switzerland (Room A 261)
Kenya – OPEC Fund for International Development (Room A 263)

Thursday 3 July 2003

9:00 – 13:00  **Bilateral negotiations**:

Botswana – Italy (*clarifications*): 09:00 – 10:30 (Room A 239)
  – France: 10:30 – 13:00 (Room A 239)
Mauritius – Finland (Room A 241)
Tanzania – Zimbabwe (Room A 259)
Lesotho – Switzerland (Room A 261)

13:00  Lunch

14:00 – 18:00  **Bilateral negotiations**:

Botswana – France (Room A 239)
Mauritius – Finland (Room A 241)
Tanzania – Zimbabwe (Room A 259)
Egypt – Ethiopia (Room A 261)
Kenya – Switzerland (Room A 263)
Friday 4 July 2003

9:00 – 13:00  **Bilateral negotiations:**
Kenya – France (Room A 239)
Mauritius – Italy (Room A 241)
Botswana – Ghana (Room A 259)
Malawi – Zimbabwe (Room A 261)

13:00  Lunch

14:00 – 18:00  **Bilateral negotiations:**
Kenya – France (Room A 239)
Ethiopia – Mauritius (Room A 241)
Kenya – Zimbabwe (Room A 259)
Round of BITs negotiations for English-speaking African LDCs
30 June to 4 July 2003 – Palais des Nations – Geneva

List of participants

BELGIUM
Mr. Henk Mahieu, General Counsellor, Ministry of Foreign Affairs, rue des Petits Carmen 15, Brussels
Tel. 32.2.501.80.60, Email: henk.mahieu@diplobel.fed.be

BOTSWANA
Mr. Oteng Banda Batlhoki, Director, Ministry of Trade and Industry, Department of Industrial Affairs, Private Bag 0014, Gaborone
Tel. 267 395 74 06, Fax. 267.397.29.10, Email: obatlhoki@gov.bw

Mr. Leonard M Phuti, Principal Industrial Officer, Ministry of Trade and Industry, Private Bag 0014, Gaborone
Tel. 267.395.74.06, Fax. 267.397.29.10, Email: nmoloyi@gov.bw

Mr. Tendekani T. Malebeswa, Assistant Attorney General, Attorney General’s Chamber, Private Bag 009, Gaborone,
Tel. 267.35.47.21, Fax. 267.35.70.89, Email: tmalebeswa@gov.bw

CHINA
Ms. Xiaoyan Zhou, Deputy Director General, Ministry of Foreign Trade and Economic Cooperation, No.2, Dong Chang’ an Avenue, Beijing 100731

Ms. Senghtao Hu, Deputy Director, Ministry of Commerce, Department of Treaty and Law, No.2, Dong Chang’ an Avenue, Beijing 100731
Tel. 8610-6519 8732, Fax. 8610-6519 8905, Email: HUST@MOFCOM.GOV.CN

Mr. Shaobo Ma, Director, State Administration of Foreign Exchange

Mr. Zhiqiang Hu, Counsellor, Ministry of Foreign Affairs, Department of Treaty and Law

Mr. Ming Li, Staff Member, Ministry of Commerce, Department of Treaty and Law
EGYPT
Mr. Ibrahim El Anani, Professor, Legal Counsellor to the Head, General Authority of Investments, Faculty of Law, Abbasia, Cairo
Tel. 202.285.10.10/home: 202.267.16.24, Fax. 202.267.16.24, Email: ananiibr@hotmail.com

ETHIOPIA
Mr. Mohammed Seyed, Head, Ethiopian Investment Authority, Policy, Research and Planning Service, Wereda 12, House N°.1530, Kebele 12, Addis Ababa
Tel. 251.1.15.73.35/157.649, Fax. 25111514396, Email: ethiopian.invest@telecom.net.et

Ms. Eyerusalem Teshome, Legal Expert, Technology Transfer and Legal Affairs Department, Ethiopian Investment Authority, Wereda 12, House N°.1530, Kebele 12, Addis Ababa
Tel. 251.1.51.00.33, Fax. 251.1.55.93.49, Email: lajerusalem@yahoo.com

FINLAND
Mr. Jukka Nysten, Counsellor, Ministry of Foreign Affairs, B.O. Box 176, FIN-00160, Helsinki
Tel. 358.9.16.05.50.71, Fax. 358.9.16.05.57.69, Email: jukka.nysten@formin.fi

FRANCE
Mr. Olivier Floris, Ministry of Economy, Finances and Trade, Direction du Trésor, Bureau F2, 139 rue de Bercy, Paris
Tel. 33.1.44.87.73.43, Fax. 33.1.53.18.36.03, Email: olivier.floris@dt.finances.gouv.fr

GHANA
Ms. Ruth Nyakotey, Deputy Chief Executive, Ghana Investment Promotion Centre, P.O. Box M193, Accra
Tel. 233.21.66.50.09/66.51.25-9/50.77.69, Fax. 233.21.66.38.01, Email: ruthben@ghana.com, gipc@ghana.com, RNyakotey@gipc.org.gh

Mr. Leonardo Lamptey, Solicitor, Ghana Investment Promotion Centre, Secretary to the Board of Directors, P.O. Box M193, Accra
Tel. 233.21.66.50.09/66.51.25-9, Fax. 233.21.66.38.01, Email: LLamptey@gipc.org.gh

ITALY
Mr. Luciano Barillaro, Counsellor, Permanent Mission of Italy to the United Nations, Chemin de l'Impératrice 10, 1292 Pregny
Tel. 022.918.08.36, Fax. 022.734.07.83, Email: mission.italy@ties.itu.int/luciano.barillaro@esteri.it
KENYA
Ms. Judith Odipo, Trade Development Officer, Ministry of Trade and Industry, Department of External Trade, P.O. Box 43137, Nairobi
Tel. 254.02.31.50.01/254.02.33.10.30, Fax. 254.02.31.50.11, Email: kextrade@africaonline.co.ke or jodipo@hotmail.com

Mr. Barrack Ndegwa, Principal Economist, Ministry of Finance, P.O. Box 30007, Nairobi
Tel. 254.2.33.81.11 ext. 33230/cell: 072.23.23.886, Fax. 254.2.21.58.25, Email: b_ronga@yahoo.co.uk

LESOTHO
Ms. Masabata Pheko, Commissioner of Industry, Ministry of Industry, Trade and Marketing, P.O. Box 747, Maseru
Tel. 266.22.32.61.30, Fax. 266.22.31.03.26, Email: industry@leo.co.ls, masabata2002@yahoo.com

Ms. Felleng Makeka, Manager, Investment Promotion Centre, Lesotho National Development Corporation, P.B. A96, Maseru
Tel. 266.31.20.12, Fax. 266.22.31.00.38, Email: makeka@lndc.org.ls

MALAWI
Mr. Gershom S.Z. Jere, Director of Planning, Ministry of Commerce and Industry, P.O. Box 30366, Lilongwe
Tel. 265.1.770.289, Fax. 265.1.770.680, Email: minci@malawi.net, ps-mci@malawi.net

Mr. Alick Sukasuka, Director of Operations, Malawi Investment Promotion Agency, Private Bag 131, Blantyre
Tel. 265.1.622.731, Fax. 265.1.621.621, Email: mipabt@malawi.net

MAURITIUS
Mr. Radhakrishna Chellapermal, Director of Financial Policy Analysis, Ministry of Finance, 59 Vuillemin Street, Government House, Port Louis
Tel. 230.201.11.49, Fax. 230.201.38.42, Email: chella@mof.intnet.mu

THE OPEC FUND FOR INTERNATIONAL DEVELOPMENT
Mr. Mu'azu Abdul Malik, The OPEC Fund, Obere Donaustrasse 93, P.O Box 995-1011, A-1020 Vienna, Austria
Tel. 43.1.515.640, Fax. 43.1.513.92.38, Email: abdulmalik@opecfund.org
SWITZERLAND
Mr. Marino Baldi, Ambassador, State Secretariat of Economic Affairs, Effingerstrasse 1, CH-3003, Bern
Tel. 41.31.323.95.81, Fax. 41.31.323.03.33, Email: marino.baldi@seco.admin.ch

Mr. Chung Tech Khov-Schild, State Secretariat of Economic Affairs, Effingerstrasse 1, CH-3003, Bern
Tel. 41.31.323.09.22, Fax. 41.31.323.03.33

TANZANIA
Mr. Charles W. Samanyi, Assistant Director, Planning and Privatization, P.O. Box 9242, Dar-es-Salaam
Tel. 255.22.211.54.66, Fax. 255.22.211.55.19, Email: malembeko@yahoo.com

Mr. Januarius G. Mrema, Director of Policy and Planning, Ministry of Industry and Trade, P.O Box 9503, Dar-es-Salaam
Tel. 255.22.218.1.397, Fax. 255.22.218.3.138, Email: ps@mit.go.tz

Mr. Cranmer Rutihinda, Director of Research and Information Systems, P.O. Box 938, Dar-es-Salaam, Tanzania Investment Centre
Tel. 255.22.211.63.28-32, Fax. 255.22.211.82.53, Email: rutihinda@tic.co.tz

Mr. Paul J. Ngwembe, Senior State Attorney, Attorney General's Chambers, P.O. Box 9050, Dar-es-Salaam
Tel. 255.22.211.81.78/-82, Cell. 255.22.212.9737, Fax. 255.22.211.5519

UGANDA
Mr. Kyoratungye Karemente, Director, Uganda Investment Authority, Strategic Planning Division, P.O. Box 7418, Kampala
Tel. 256.41.25.15.62/3/4/5, Fax. 256.41.34.29.03, Email: kkare mente@ugandainvest.com

Mr. Lawrence Kstekyeza Kiiza, Commissioner Tax Policy, Ministry of Finance, P.O. Box 8147, Kampala
Tel. 256.41.34.17.72/256.77.78.00.08, Fax. 256.41.23.01.63, Email: kiiza@infocom.co.ug

ZIMBABWE
Mr. G.D. Nyaguse, Deputy Director, Ministry of Finance, PB 7705, Causeway, Harare
Tel. 263.4.72.62.39, Fax. 263.4.79.39.98, Email: rmafekeni@yahoo.com

Ms. Vailet Mukotsanjera, Ministry of Finance, PB 7705, Causeway, Harare
Tel. 263.4.72.62.39, Fax. 263.4.79.39.98, Email: rmafekeni@yahoo.com
UNCTAD STAFF

Mrs. Anna Joubin-Bret, Training Coordinator, International Arrangements Section, Policy and Capacity-Building Branch, Division on Investment, Technology and Enterprise Development, UNCTAD, Palais des Nations, Avenue de la Paix, CH-1211 Geneva, Switzerland
Tel: 41.22.907.58.97, Fax: 41.22.907.01.94, Email: anna.joubin-bret@unctad.org

Ms. Marie-Estelle Rey, Legal Officer, International Arrangements Section, Policy and Capacity-Building Branch, Division on Investment, Technology and Enterprise Development, UNCTAD, Palais des Nations, Avenue de la Paix, CH-1211, Geneva, Switzerland
Tel: 41.22.907.57.56, Fax: 41.22.907.01.94, Email: marie-estelle.rey@unctad.org

Ms. Séverine El Botout-Excoffier, Secretary, International Arrangements Section, Policy and Capacity-Building Branch, Division on Investment, Technology and Enterprise Development, UNCTAD, Palais des Nations, Avenue de la Paix, CH-1211, Geneva, Switzerland
Tel. 41.22.907.4918, Fax. 41.22.907.01.94, Email: severine.excoffier@unctad.org
BACKGROUND DOCUMENTATION


