

FIRST SCHEDULE
PROTOCOL OF ACCORD

THIS PROTOCOL OF ACCORD made the 6th day of October 1997 BETWEEN THE GOVERNMENT OF THE GAMBIA (hereinafter referred to as "The Government") of the one part, and Catholic Relief Services (herein after referred to as "the NGO")

WHEREAS the Government and the NGO in their mutual desire to promote positive socioeconomic change for the betterment and well being of the people of The Gambia, have decided to enter into a meaningful partnership that would facilitate development efforts in the various sectors, of the national economy in accordance with national policies and Government pronouncement:

ARTICLE 1

The Government shall accept and recognise the NGO as a non-profit, voluntary, development oriented Organisation operating in The Gambia in pursuit of national development goals within the limits of the organisation's financial, material and human resources, and the framework of articulated and enunciated Government policies and priorities.

ARTICLE 2

The Government shall endeavour to create an atmosphere that is conducive to full participation of the NGO in The Gambia's development programme, particularly in those sectors of expertise and interest of the Organisation, as well as in policy reform that would foster the development effort and process where necessary.

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ARTICLE 3

The Government may, if requested, facilitate the implementation of the NGO's programmes

ARTICLE 4

The NGO shall be granted tax and duty waiver on materials, equipment, motor vehicles and goods imported or acquired locally which are necessary for the implementation of its programmes and projects, or to be distributed to needy citizens.

Local income generating activities designed to support educational and health programs shall also be exempt from taxation. The volume of such tax concessions shall however always be commensurate with the scope of the NGO's activities and benefits directly accruing to the grassroots level.

Provided that in the event the materials, motor vehicles, and goods are not used in accordance with the functions of the NGO, the Government shall have the right to apply the prevailing import and tax duties on them. Under no circumstances would duty waiver be accorded to luxury materials, luxury motor vehicles and luxury goods.

ARTICLE 5

Motor vehicles belonging to the NGO shall be granted BLUE NUMBER PLATES by the Non-Governmental Organisation Affairs Agency bearing the NGO number assigned to it and such motor vehicles shall be exempt from all forms of taxation requirements.

ARTICLE 6

The Government may upon application made to it in the prescribed manner facilitate the entry, residence and registration for employment of the expatriate staff of the NGO. The direct dependents of the expatriate staff shall also be accorded the same privileges for entry and residence.

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ARTICLE 7

No custom duty shall be levied on the personal effects and belongings of the expatriate staff of the NGO and their families accompanying them on their initial installation: these personal effects or belongings shall not include food and drinks.

ARTICLE 8

Each expatriate employee of an NGO may benefit from temporary duty free concession on one motor vehicle, renewable each year.

ARTICLE 9

The diversion from the declared destination and use of all goods or items in respect of which duty has been waived or other concessions given will result in the full application of the prevailing import tax and customs regulations.

ARTICLE 10

The salaries and other benefits received by or paid to the expatriate staff of the NGO shall not be taxed by the Government of the Gambia.

ARTICLE 11

The Non-Governmental Organisations Affairs Agency shall be responsible for clearing, registration and coordination between the NGO and the relevant sector ministries and Departments. It will also be responsible for monitoring the NGO' s activities, including accounting for end user duty waivers and other concessions, through the relevant sector Ministries and Departments.

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ARTICLE 12

The NGO shall participate in development activities that are in consonance with the policies and priorities of the Government for which it has appropriate resources and expertise, in accordance with the Non-Governmental Organisation Code of Conduct and Memorandum of Understanding signed with the relevant Ministries, Departments, or Agencies.

ARTICLE 13

The NGO shall deposit with the Non-Governmental Organisations Affairs Agency, a detailed plan of its annual work programme and budget prior to the beginning of the Government's fiscal year, and a detailed annual report, highlighting progress on activities undertaken over the year, workplans for the following year, accounts audited by Non-Governmental Organisations Affairs Agency approved auditors and budget including quantities and costs at least three months after the programme year ends.

ARTICLE 14

Qualified Gambian Nationals shall be employed by the NGO for the implementation of its programs and they shall be provided with opportunities for training and promotion which shall be done within the framework of its programmes and policies, with the view to ensuring the sustainability of these programmes to benefit the people in the long term.

ARTICLE 15

The NGO shall undertake to distribute goods and services on the basis of need, not creed, ethnicity or political affiliation.

ARTICLE 16

In the case of theft or fraud of NGO resources, the Government will assist in every way possible in the recovery of the lost resources and in the prosecution of responsible parties, to the full extent of the law.

ARTICLE 17

All differences between the Government and the NGO relating to the interpretation or application of the Protocol of Accord shall be amicably resolved failing which settlement shall be sought through an arbitration process in accordance with the Arbitration Act Cap.9.

ARTICLE 18

If the NGO's activities are found not to be in conformity with Government's development agenda or detrimental to the integrity of the Government and the peace and stability of the country, the Government shall revoke this Protocol of Accord.

ARTICLE 19

The Protocol of Accord will take effect on the date of signature by the chief executives of the NGO and the Non-Governmental Organisations Affairs Agency respectively; and will be valid for a two year period, and renewable for the same period of time by mutual consent of the NGO and the Government.

ARTICLE 20

This Protocol of Accord may be amended at any time by the mutual agreement of both parties.

ARTICLE 21

Abrogation of the Protocol of Accord can be initiated by either party by the due notification in writing, at least six months prior to annulment.

