



Treaty Series No. 91 (1976)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Botswana

concerning Officers designated by the
Government of the United Kingdom in
the Service of specified Organisations or
Institutions in Botswana

(The British Expatriates Supplementation (Botswana)
Agreement 1976)

Gaborone, 4 June 1976

[The Agreement is deemed to have entered into force on 1 April 1976]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 1976*

LONDON

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EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF BOTSWANA CONCERNING OFFICERS
DESIGNATED BY THE GOVERNMENT OF THE UNITED
KINGDOM IN THE SERVICE OF SPECIFIED ORGANISATIONS
OR INSTITUTIONS IN BOTSWANA

No. 1

*The United Kingdom High Commissioner at Gaborone to the Vice-President
and Minister of Finance and Development Planning of Botswana*

British High Commission,

Gaborone.

Sir,

4 June 1976.

I have the honour to refer to the exchange of letters between the then United Kingdom High Commissioner in Lesotho and the Registrar of the University of Botswana, Lesotho and Swaziland dated December 1969,⁽¹⁾ relating to assistance towards certain staff in the service of that University and to discussions which have taken place between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and representatives of the Government of the Republic of Botswana concerning the continuance of such assistance and the provision of similar assistance to other Government sponsored organisations as set out in the Second Annex hereto and to place on record what has been agreed:—

- (1) The Government of the United Kingdom will, with the concurrence of the Government of Botswana, provide assistance under the authority and provisions of the British Government's Overseas Development and Service Act 1965 upon the terms and conditions set out in the First Annex to this letter in respect of British staff in the service of an organisation or institution listed in the Second Annex to this Note (hereinafter referred to as "the employing authority"). The Second Annex to this Note may, by agreement between the Government of the United Kingdom and the Government of Botswana be varied or amended from time to time by adding thereto or deleting therefrom the name of an organisation or institution.
- (2) Any emoluments, allowances, grants, supplement or gratuities paid by the Government of the United Kingdom to staff designated under this agreement in respect of duties performed in Botswana shall be exempt from the payment of tax under any law for the time being in force in Botswana provided that the person concerned is resident in Botswana solely for the purpose of performing such duties.

(1) Not published.

(3) This agreement shall be deemed to have come into operation on 1 April 1976 and shall terminate, unless some other date is agreed between the Government of the United Kingdom and the Government of Botswana, on 31 March 1981.

2. If this Note and its Annexes correctly set out the terms that have been agreed, I have the honour to suggest that this Note and your reply shall constitute an Agreement between our two Governments which shall be deemed to have entered into force from 1 April 1976, and shall be cited as the British Expatriates' Supplementation (Botswana) Agreement 1976.

I have the honour to be,

Sir,

Your obedient Servant,

ELEANOR J. EMERY

FIRST ANNEX

Terms and Conditions

1. The Government of the United Kingdom will make the payments specified in this annex to staff who are designated by the Government of the United Kingdom as herein mentioned (hereinafter referred to as "designated officers").

2. The Government of the United Kingdom will pay, on behalf of the employing authority, to each designated officer:

- (a) Any salary supplement for which such officer may be eligible at such rates as may be specified from time to time by the Government of the United Kingdom;
- (b) any education allowance for which such designated officer may be eligible in respect of any child under such terms and conditions and at such rates as may be specified from time to time by the Government of the United Kingdom;
- (c) any appointment grant to which such officer may be eligible on such terms and conditions and at such rates as may be specified from time to time by the Government of the United Kingdom;
- (d) that part of any gratuity payable to an officer which accrues to him by virtue of the addition to his emoluments of the salary supplement referred to in this paragraph;
- (e) any medical expenses necessarily incurred on treatment not available under Botswana health services at such rates as may be specified from time to time by the Government of the United Kingdom.

3. The Government of the United Kingdom will reimburse the employing authority the amount paid by the employing authority in providing for designated officers and their dependent families passages on such occasions (not being occasions referred to in paragraph 4 of this Annex) as the Government of Botswana may, with the prior concurrence of the Government of the United Kingdom, prescribe; passages for designated officers and their dependent families should be, where available, by British carrier and where practicable by excursion or charter flight.

4. The Government of the United Kingdom will meet the costs of holiday passages for the children of a designated officer to enable them to visit their parents in Botswana, on such terms and conditions and occasions and in respect of such children and at such rates and by such classes of accommodation as may be specified from time to time by the Government of the United Kingdom.

5. Payments by the Government of the United Kingdom under paragraph 2 above will be made into an account at a bank nominated by the officer and situated in Great Britain or Ireland or such other country as may be agreed by the Government of the United Kingdom.

6. The employing authority will provide the Government of the United Kingdom with such information as that Government may require in connection with the operation of this Agreement.

7. The employing authority will promptly inform the Government of the United Kingdom of any event which might affect the eligibility of a designated officer under this Agreement to receive payments from the Government of the United Kingdom.

8. Whenever the employing authority wishes to renew the contract of a designated officer or to recruit an officer who may be eligible for designation, that authority will consult the Government of the United Kingdom and that Government will inform the authority whether or not the officer's designation may be continued, or the officer designated as the case may be, in accordance with this Agreement.

9. The Government of the United Kingdom and each employing authority will hold periodic reviews of the requirements that the employing authority may have as regards the employment of designated officers in their service, so that the Government of the United Kingdom may determine the classes and numbers of officers whom the Government of the United Kingdom is prepared to designate. During such reviews the employing authority will provide the Government of the United Kingdom with such information as that Government may require in order to calculate the amounts payable by the Government and the number of officers to be designated.

10. An officer may be designated generally or for such period as may be specified in the designation; and the designation of an officer may be terminated at the discretion of the Government of the United Kingdom; provided that the Government of the United Kingdom in exercise of the discretion to terminate the designation of an officer will take into account the consequences that would follow if designation were terminated.

SECOND ANNEX

List of Organisations and Institutions

University of Botswana, Lesotho and Swaziland incorporated under Charter dated the 20th day of December 1964 in Botswana.

Botswana Meat Commission.

Botswana Power Corporation.

Water Utilities Corporation.

Botswana Housing Corporation.

Botswana Development Corporation.

National Development Bank.

Bank of Botswana.

Botswana Livestock Development Corporation.

No. 2

*The Vice-President and Minister of Finance and Development Planning
of Botswana to the United Kingdom High Commissioner at Gaborone*

Gaborone.

Your Excellency,

4 June 1976.

I have the honour to acknowledge receipt of your Note of 4th June, 1976 regarding the British Expatriates Supplementation (Botswana) Agreement 1976 which reads as follows:—

[As in No. 1]

I have the honour to inform you that the foregoing proposal is acceptable to the Government of Botswana who therefore agree that Your Excellency's Note and this reply shall constitute an Agreement between the two Governments which shall be deemed to have entered into force on 1st April 1976 and which shall be cited as the British Expatriates Supplementation (Botswana) Agreement 1976.

I have the honour to be,

Madam,

Your obedient servant,

Q. K. J. MASIRE

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