

BOTSWANA



Treaty Series No. 108 (1972)

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 the Government of Botswana
(The Overseas Service (Botswana) Agreement 1970)

Gaborone, 30 December 1970

[The Agreement entered into force on 1 April 1971]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 1972*

LONDON

HER MAJESTY'S STATIONERY OFFICE

8p net

Cmd. 5112

**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 THE GOVERNMENT
OF BOTSWANA**

No. 1

*The United Kingdom High Commissioner at Gaborone to the
Minister of State of Botswana*

*British High Commission,
Gaborone.*

Dear Minister of State,

30 December, 1970.

I have the honour to refer to discussions which have taken place between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Botswana relating to certain officers in the service of the Government of Botswana designated by the Government of the United Kingdom and to place on record the terms of the agreement which was resolved:

“1. The Government of the United Kingdom will make the reimbursements and payments, as specified in this agreement, to or in respect of officers in the public service of the Government of Botswana who are designated by the Government of the United Kingdom in accordance with this agreement (such officers hereinafter being referred to as ‘designated officers’).

2. The Government of the United Kingdom and the Government of Botswana will hold annual reviews of the requirements that the Government of Botswana may have as regards the employment of designated officers in their public service, so that the Government of the United Kingdom may, in consultation with the Government of Botswana determine the classes or categories of officers, members of which the Government of the United Kingdom is prepared to designate, the number of officers in each such class or category which may be designated and the maximum sum that will be available during any specified period to meet the obligations of the Government of the United Kingdom under this agreement. During such reviews the Government of Botswana will provide the Government of the United Kingdom with such information as that Government may require in order to calculate the amounts payable by that Government and the number of officers to be designated.

3. 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 shall take into account the consequences that would follow if designation were to be terminated.

4. The Government of the United Kingdom will reimburse the Government of Botswana:

- (a) in the case of a designated officer serving on pensionable terms a sum equal to the inducement allowance paid to him by the Government of Botswana, being an allowance taken into account in computing the pension for which such officer is eligible under the appropriate pension laws, at such annual rate as is specified by the Government of the United Kingdom less the sum agreed by that Government and the Government of Botswana as being equivalent to the proceeds of taxation payable on that allowance;
- (b) one half of the aggregate amount paid by the Government of Botswana in providing for designated officers and their dependent families passages on such occasions (not being occasions referred to in paragraph 6 of this agreement) as the Government of Botswana may, with the concurrence of the Government of the United Kingdom, prescribe.

5. The Government of the United Kingdom will, in consultation with and on behalf of the Government of Botswana, pay direct to each designated officer (whether such officer is serving on contract or pensionable terms):

- (a) an inducement allowance, which in the case of an officer serving on pensionable terms is not taken into account in computing his pension, at such rate as may be specified from time to time by the Government of the United Kingdom;
- (b) any education allowance for which the 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 for which the 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 the officer which accrues to him by virtue of the addition to his emoluments of the inducement allowance referred to in this paragraph.

6. The Government of the United Kingdom will, to the same extent as heretofore, meet the cost of holiday passages for the children of a designated officer, that is to say, passages to enable children 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.

7. The allowance, grant and gratuity payable direct to a designated officer by the Government of the United Kingdom in accordance with the provisions of this agreement will be paid into an account at a bank nominated by the officer situated in the United Kingdom or the Republic of Ireland or such other country as may be agreed by the Government of the United Kingdom.

8. The allowances, grant and gratuity paid direct by the Government of the United Kingdom to a designated officer shall be exempt from the payment of income tax under any law in force in Botswana.

9. In the event of a designated officer being seconded from the employment of the Government of Botswana without the concurrence of the Government of the United Kingdom, the Government of Botswana will, if requested to do so by the Government of the United Kingdom, pay to that Government a sum equal to the total cost of the reimbursements and payments made by that Government in respect of that officer whilst so seconded.

10. The Government of Botswana will provide each designated officer, within a reasonable time of his taking up employment with that Government, with accommodation and basic furnishings in good condition and agreed with the Government of the United Kingdom to be suitable to the rank and family circumstances of the officer at a rent reasonable in relation to his basic salary.

11. The Government of Botswana 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.

12. The Government of Botswana will, whenever requested to do so by the Government of the United Kingdom, supply to that Government such accounts and other information in connection with the operation of this agreement as may be specified in such request.

13. This agreement shall come into operation on 1st April 1971 and on 31st March 1971 the Overseas Service (Bechuanaland Protectorate) Agreement 1962 (and the agreement amending the agreement)⁽¹⁾ shall terminate.

14. This agreement shall terminate, unless some other date is agreed between the Governments of the United Kingdom and of Botswana, on 31st March 1976."

(1) Not published in Treaty Series.

2. If this letter correctly sets out the terms that have been agreed, I have the honour to suggest that this letter and your reply should be regarded as constituting an agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Botswana and should be cited as the Overseas Service (Botswana) Agreement 1970.

I have the honour to be,

Sir,

Your obedient Servant,

DAVID ANDERSON

*For and on behalf of the Government
of the United Kingdom of Great Britain
and Northern Ireland*

No. 2

*The Minister of State of Botswana to the United Kingdom
High Commissioner at Gaborone*

*Office of the President,
Gaborone.*

30 December, 1970.

Dear High Commissioner,

I thank you for your letter of today's date placing on record the terms of an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Botswana relating to certain officers in the service of the Government of Botswana designated by the Government of the United Kingdom.

2. I am to state that the Government of Botswana confirms that the terms as set out have been agreed and that your letter and this reply should be regarded as constituting an Agreement between the Government of Botswana and the Government of the United Kingdom of Great Britain and Northern Ireland, to be cited as the Overseas Service (Botswana) Agreement 1970.

I have the honour to be,

Sir,

Your obedient Servant,

E. S. MASISI

*Minister of State
for and on behalf of
the Government of Botswana*

HER MAJESTY'S STATIONERY OFFICE

Government Bookshops

49 High Holborn, London WC1V 6HB
13a Castle Street, Edinburgh EH2 3AR
109 St Mary Street, Cardiff CF1 1JW
Brazennose Street, Manchester M60 8AS
50 Fairfax Street, Bristol BS1 3DE
258 Broad Street, Birmingham B1 2HE
80 Chichester Street, Belfast BT1 4JY

*Government publications are also available
through booksellers*