

No. 9711

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
BOTSWANA**

Exchange of letters constituting an agreement for the provision of personnel of the United Kingdom armed forces to assist in the training of the police forces of Botswana (with appendix). Gaberones, 9 October 1968

Authentic text: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 8 July 1969.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

et

BOTSWANA

Échange de lettres constituant un accord relatif au personnel des forces armées du Royaume-Uni fourni pour aider à instruire les forces de police du Botswana (avec appendice). Gaberones, 9 octobre 1968

Texte authentique: anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 8 juillet 1969.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF BOTSWANA FOR THE PROVISION OF PERSONNEL OF THE UNITED KINGDOM ARMED FORCES TO ASSIST IN THE TRAINING OF THE POLICE FORCES OF BOTSWANA

I

*The United Kingdom High Commissioner at Gaberones
to the President of Botswana*

BRITISH HIGH COMMISSION

Gaberones, 9 October, 1968

Your Excellency,

I have the honour to refer to the request of the Government of Botswana for the provision by the Government of the United Kingdom of Great Britain and Northern Ireland of personnel of the United Kingdom armed forces to assist in the training of the police forces of Botswana.

I have the honour to propose that the arrangements for the provision of such personnel should be those set out in the Appendix to this letter.

I have the honour further to propose that if these arrangements are acceptable to the Government of Botswana this Letter and its Appendix, together with your reply to that effect shall be regarded as constituting an Agreement in this matter between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Botswana which shall be deemed to have entered into force on 1 March, 1968 and shall continue in force until determined by the giving by either Government to the other of written notice of determination, whereupon this Agreement shall forthwith determine except any provisions thereof relating to the treatment of claims and the financial obligations of either Government, which provisions shall remain in force.

I have the honour to be, Sir, Your Excellency's obedient Servant

J. S. GANDEE

¹ Came into force on 9 October 1968 with retroactive effect from 1 March 1968, in accordance with the provisions of the said letters.

APPENDIX

PART I

1. A detachment of volunteers from the armed forces of the United Kingdom, whose duties will be, to the extent of the establishment and equipment available to them, to render such assistance in the training of the police forces of Botswana as may be agreed between the Service Authorities of the United Kingdom and those of Botswana, shall be known as the British Detachment. Members of the British Detachment will be responsible only to the Government of the United Kingdom through their service superiors for discipline, efficiency and administration. In the event of the Government of Botswana wishing to raise any matter relating to the British Detachment it should be raised through the United Kingdom High Commissioner in Botswana.

2. Members of the British Detachment shall remain for all purposes members of the armed forces of the United Kingdom and under United Kingdom command and shall accordingly not be subject to any disciplinary or other regulations applicable to the police forces of Botswana nor to the jurisdiction of any authority, court or tribunal deriving its constitution or powers under such regulations.

3. Members of the British Detachment shall not be subject to any legislation in Botswana relating to compulsory service of any kind.

4. Members of the British Detachment will not take part in hostilities or other operations of a warlike nature undertaken by the police forces of Botswana nor, without the prior consent of the Government of the United Kingdom, in any operation of those forces which are concerned with the preservation of peace, with internal security or with the enforcement of law and order.

5. The Government of the United Kingdom may withdraw all or any members of the British Detachment after consultation with the Government of Botswana.

6. The cost of the provision of the British Detachment shall be the subject of arrangements between the Government of the United Kingdom and the Government of Botswana from time to time while this Agreement remains in force.

7. In its application to members of the British Detachment the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Botswana regarding the status of the armed forces of the United Kingdom in Botswana signed at Gaberones on 30 September 1966¹ Article 2 shall not apply and the following shall be substituted therefor:

“All claims arising out of acts or omissions of members of the British Detachment done or omitted in the course of their service as such shall be dealt with by the Government of Botswana, except in the case of claims made in the United Kingdom which shall be dealt with by the Government of the United

¹ United Nations, *Treaty Series*, vol. 597, p. 211.

Kingdom, and shall in all cases be settled or otherwise disposed of at the cost of the Government of Botswana."

PART II

8. The period of service of individuals as members of the British Detachment will be from the day embarkation leave begins until the day end of tour leave ends and will include—

- (a) embarkation leave of fourteen days ;
- (b) a tour of duty of six months, including leave amounting to twenty-one days ;
- (c) end of tour leave of fourteen days.

9. In addition to embarkation leave, annual leave and end of tour leave, sick and compassionate leave may be granted if warranted under United Kingdom regulations.

10. Members of the British Detachment will be eligible for promotion in accordance with United Kingdom service regulations.

11. (a) If a member of the British Detachment neglects or refuses to perform his duties or is unable to do so by reason of disciplinary action, ill health or any other reason, or if he misconducts himself or is unsuitable or inefficient the Government of Botswana, after consultation with the Government of the United Kingdom, may request the termination of service of the individual with the British Detachment ;

(b) if the United Kingdom High Commissioner is of the opinion that an individual has strong compassionate grounds for being relieved of his obligation to complete a full tour of duty the service of the individual with the British Detachment will terminate on a date to be agreed between the Government of Botswana and the Government of the United Kingdom.

12. All members of the British Detachment will remain subject to United Kingdom service regulations and shall at all times be and remain subject to all powers exercisable by the United Kingdom service authorities thereunder.

13. Members of the British Detachment will not be employed otherwise than in the capacity for which they were selected without the concurrence of the appropriate United Kingdom service authority.

PART III

14. "United Kingdom service regulations" means any statute, order, regulation, warrant or instruction relating to the armed forces of the United Kingdom.

II

*The President of Botswana to the United Kingdom High Commissioner
at Gaborones*

OFFICE OF THE PRESIDENT

Gaborones, 9th October, 1968

My dear High Commissioner,

I have received your letter of to-day's date concerning the arrangements proposed in respect of the provision of personnel of the United Kingdom armed forces to assist in the training of the police forces of Botswana, which reads as follows —

[See letter I]

A copy of the Appendix to your Letter is attached to this reply.

In reply I have to inform you that the proposed arrangements are acceptable to the Government of Botswana who therefore agree that your Letter, together with its Appendix and this reply shall be regarded as constituting an Agreement between our two Governments in this matter which shall be deemed to have entered into force on the 1 March, 1968.

S. M. KHAMA