

No. 22882

**UNITED NATIONS
(UNITED NATIONS COUNCIL FOR NAMIBIA)
and
BOTSWANA**

**Agreement concerning the issuance by the Council of travel
and identity documents to Namibians. Signed at
Gaborone on 20 August 1981**

Authentic text: English.

Registered ex officio on 26 April 1984.

**ORGANISATION DES NATIONS UNIES
(CONSEIL DES NATIONS UNIES POUR LA NAMIBIE)
et
BOTSWANA**

**Accord relatif à la délivrance aux Namibiens, par le Conseil,
de documents de voyage et d'identité. Signé à
Gaborone le 20 août 1981**

Texte authentique : anglais.

Enregistré d'office le 26 avril 1984.

AGREEMENT¹ BETWEEN THE REPUBLIC OF BOTSWANA AND THE UNITED NATIONS COUNCIL FOR NAMIBIA CONCERNING THE ISSUANCE BY THE COUNCIL OF TRAVEL AND IDENTITY DOCUMENTS TO NAMIBIANS

TERMS OF THE AGREEMENT SIGNED AT GABORONE ON THE 20TH DAY OF AUGUST 1981

Points of agreement

1. The Government of the Republic of Botswana recognizes and accepts as valid the travel and identity documents issued to Namibians by the United Nations Council for Namibia and intends to so advise the Secretary-General of the United Nations.

2. In the exercise of its sovereign rights the Government of the Republic of Botswana agrees to grant the right of return to the following categories of Namibians who receive the travel and identity documents of the Council:

- (a) Namibians legally residing in the Republic of Botswana;
- (b) Namibians enjoying first asylum in the Republic of Botswana;
- (c) Such other Namibians as the Government may determine.

3. The rights of return will be inscribed and certified by the Government of the Republic of Botswana in the travel and identity documents issued by the United Nations Council for Namibia for a period of up to two years following the date of issue of the documents, and this period may be extended.

4. Applications for travel and identity documents shall be submitted to the Government of the Republic of Botswana which shall examine such applications. A representative of the United Nations Council for Namibia shall be consulted, in accordance with the provisions of paragraph 5 below, and a representative of the Organization of African Unity may be consulted as appropriate. Representatives of the people of Namibia shall be requested to provide relevant information as required. In the event of the Government of the Republic of Botswana informing the United Nations Council for Namibia that it agrees to grant the right of return, the documents shall be issued by the Council. It is understood that, as a rule, the right of return shall be granted to individuals falling within the categories mentioned in paragraph 2 (a) to (c) above, unless compelling reasons of national security or public order otherwise require.

5. In its examination of applications for travel and identity documents, the Government of the Republic of Botswana shall consult the United Nations Council for Namibia in every case, except when:

- (a) The Government decides not to grant the right of return on grounds of national security or public order. Any determination made by the Government on such grounds shall be final.
- (b) Circumstances are such that the application requires immediate consideration, not permitting time for consultation, and the Government is satisfied, on the basis of the information available to it, with the bona fides of the applicant and is prepared to grant the right of return.

¹ Came into force on 20 August 1981 by signature.

6. The provisions of paragraphs 4 and 5 above shall not preclude the United Nations Council for Namibia from issuing travel documents, in cases where the right of return is not granted by the Government of the Republic of Botswana, provided that the Council secures for the applicant the right of return to a country other than the Republic of Botswana or finds a country which would accept him without a return clause.

7. The present arrangements, which are made in the interest of Namibians, are subject to review on the request of the Government of the Republic of Botswana or of the United Nations Council for Namibia after a period of two years from the date of the present coming into force of the arrangement, or as may be decided by the parties, and may be amended by agreement between the parties.

Mutual understandings

8. The Government of the Republic of Botswana, recognizing:

- (a) The international status of Namibia;
- (b) The importance and necessity for Namibians to verify their identity and to be able to travel while abroad; and
- (c) The special responsibility of the Council for Namibia in matters within its competence;

undertakes to extend its full co-operation with regard to the arrangements herein described.

9. The Council for Namibia, recognizing that the Government of the Republic of Botswana should not be required, because of the country's geographical location, to bear to a disproportionate degree the problems arising from the entry of Namibians into the Republic of Botswana, undertakes to make every effort to ensure that other Member States of the United Nations share in the granting of asylum and right of residence to Namibians.

10. Furthermore, the Council for Namibia, recognizing that more important than the question of travel documents is the problem of the future welfare of Namibians who sought asylum in other countries, undertakes to give this problem serious attention.

SIGNED at Gaborone on this 20th day of August 1981.

[Signed]¹

For and on behalf
of the Republic of Botswana

S. J. OMOREGIE

For and on behalf
of the Council for Namibia

¹ Signed by D. K. Kwelagobe — Signé par D. K. Kwelagobe.