

**AGREEMENT BETWEEN THE WORLD ORGANISATION FOR ANIMAL
HEALTH ((OIE) AND THE GOVERNMENT OF THE REPUBLIC OF
BOTSWANA CONCERNING THE HEADQUARTERS OF THE OIE SUB
REGIONAL REPRESENTATION FOR SADC AND ITS PRIVILEGES AND
IMMUNITIES ON BOTSWANA TERRITORY**

The World Organization for Animal Health (OIE), hereinafter referred to as "the OIE" and the Government of the Republic of Botswana,

Considering the International Agreement signed in Paris on the 25th January 1924, creating the OIE,

Considering the establishment in Paris of the permanent Headquarters of the OIE by virtue of the Headquarters Agreement, signed with the Government of the Republic of France on 21 February 1977,

Considering the Member Status of the Republic of Botswana to the OIE since 28 May 1968,

Considering the Agreement between SADC and the OIE, signed on the 23 May 2003,

Wishing to settle by the present Agreement questions relating to the establishment in the City of Gaborone the OIE Sub Regional Representation for the Southern Africa Development Community (SADC) hereinafter referred to as the "Sub Regional Representation", and to define accordingly, the privileges and immunities of the Sub Regional Representation in Botswana.

Have agreed as follows:

Article 1

The Government of the Republic of Botswana recognizes the judicial personality of the OIE Sub Regional Representation for SADC and its capacity to enter into contracts, to acquire and dispose of movable and immovable property connected with its activities, and to be party to judicial proceedings.

Article 2

The Headquarters of the Sub Regional Representation include the premises which it now occupies or which it may occupy in future for the requirements of its work, with the exception of residential premises used for its personnel.

Article 3

- 1 The Headquarters of the Sub Regional Representation shall be inviolable. The Officers or agents of the Republic of Botswana may not enter them except with the agreement or at least the request of the Director General of the OIE or as a local representative delegated by the Director General of the OIE.
- 2 The Sub Regional Representation shall not permit its headquarters to be used as a refuge for any person being sought in connection with a criminal offence following a crime or a flagrant offence or who is the subject of a judicial procedure instituted by the competent Botswana authorities.
- 3 The archives of the Sub Regional Representation and, the entire scientific document belonging to it or its keeping are inviolable.

Article 4

The property and assets of the Sub Regional Representation may not be seized, confiscated, requisitioned or expropriated, nor subject to any other kind of administrative or legal procedure.

Article 5

- 1 The Sub Regional Representation may, without being subject to any verification, regulation of financial moratorium:
 - a. receive and hold funds and currency in any form and keep accounts in any currency and in any country, in compliance with the relevant Botswana legislation in force;
 - b. freely transfer its funds and currency within the territory of Botswana to another country and vice versa, in compliance with the relevant Botswana legislation in force regarding diplomatic representations.
- 2 In exercising the rights granted to it by the present Article, the Sub Regional Representation shall give consideration to any representations which the Government of the Botswana may make to it

Article 6

The Sub Regional Representation shall be exempt from all direct taxes on its immovable property intended for its Headquarters and from all other taxes on operations that it shall carry out exclusively for the official requirements of the Sub Regional Representation, except for remunerations corresponding to payments for salaries.

Article 7

The Sub Regional Representation shall pay the excise duties and the taxes on the sale of movable and immovable property included in the sale price. Nevertheless, when the Sub Regional Representation makes major purchases of good subject to, or liable to be subject to, such taxes and duties, the Botswana State will, within the limits envisaged by its national legislation, make the arrangements for the refunding of a amount corresponding to the said taxes and duties.

Article 8

- 1 Furniture, supplies and office equipment imported by the Sub Regional Representation, and which are strictly essential for its administrative work, and publications relating directly to its work, shall be exempt from custom duties.
- 2 The articles included in the category of goods designated in the above paragraph shall be exempt from any prohibition or restriction concerning their importation and exportation, subject to regulations relating to public health or public safety.
- 3 Goods purchased or imported under the terms of the facilities granted bt the present Article shall not give rise, on the territory of Botswana, to any legal transactions, whether free of charge or in return for payment, other than those authorities under Botswana Law.

Article 9

Unless prevented by reasons of public order, the Government of the Republic of Botswana undertakes to authorize, without charge for visas and without delay, the entry and stay in Botswana during the period of their appointment or mission with the Sub Regional Representative of:

- a) Delegates of Member Countries to the OIE, including their deputies, experts and observers at conferences and meetings convened by the Sub Regional Representation; Members of the OIE Central Bureau and Regional Representations;
- b) Member of the personnel of the Sub Regional Representation and their families

Article 10

Subject to conforming with the provisions of international conventions, rules and agreements to which it is a contracting party, the Government of the Republic of Botswana, taking into consideration the special character of the objectives of the Sub Regional Representation with regard to control of epizootics, grants to the Sub Regional Representation for its official communications by mail, telephone, telegraph, radiotelephone and radiotelegraph, treatment as favorable as that granted by it to the diplomatic missions accredited in Botswana.

Article 11

- 1 Member of the personnel of the Sub Regional Representation shall be exempt from all taxes on salaries and emoluments received in remuneration of their work at the Sub Regional Representation.
- 2 The Sub Regional Representative of the OIE, responsible for the Sub Regional Representation, shall be exempted from the tax on his main residence and from his income of foreign origin.

Article 12

- 1 Member of the personnel of the Sub Regional Representation will not be subject to duty on the temporary importation of their personal motor car.
- 2 Members of the personnel of the Sub Regional Representation shall be entitled:
 - a. to immunity in regard to any legal action concerning their official activities;
 - b. to import free of tax, if they were previously living abroad, their furniture and personal effects already in use at the time of their settlement in Botswana;
 - c. to the same facilities for repatriation, for themselves and their families, as granted to members of diplomatic missions of similar rank in time of international crisis.

Article 13

The privileges and immunities provided for within the present Agreement are granted to their beneficiaries in the interest of the proper functioning of the Sub Regional Representation. The International Committee or the Director General of the OIE shall agree to the lifting of immunity granted to any such beneficiary if such immunity might risk impeding the course of justice and it may be lifted without prejudice to the interests of the Sub Regional Representation. The Sub Regional Representation shall cooperate with the Botswana administration with a view to facilitate the proper course of justice and ensuring the implementation of police regulations and preventing any misuse of the immunities and facilities provided for in Articles 2 to 12 of the present Agreement.

Article 14

The Government of the Republic of Botswana has no obligation to grant either to its own citizens or to the persons permanently resident in Botswana, the privileges and immunities mentioned in Articles 11 and 12

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Article 15

Any dispute between the Government of the Republic of Botswana and the OIE concerning the interpretation or application of the present Agreement, if not settled by means of negotiation, shall be submitted for final decision without appeal to a Committee consisting of:

An arbitrator nominated by the Government of the Republic of Botswana;

An arbitrator nominated by the OIE;

An arbitrator nominated by both or, in the even of failure to agree, by the Secretary General of the United Nations.

Article 16

The present Agreement will come into force at the date on which Botswana informs the OIE through diplomatic channels that it has complied with the requirements for approval provide for in its constitution

This present Agreement may be terminated by either party, notice being given through diplomatic channels at least twelve months in advance.

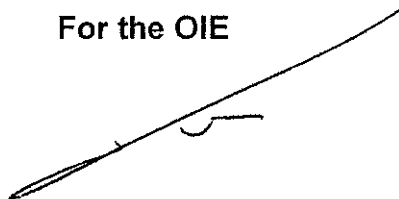
Done in Gaborone and in Paris in two originals, both equally authentic, in English.

**For the Government of the
Republic of Botswana**



Mr Mustaq Moorad
Deputy Permanent Secretary
Ministry of Foreign Affairs
And International Cooperation

For the OIE



Dr Bernard Vallat
Director General

Date..... 17 May 2006

Date..... 25 MAY 2006