

<Unclassified>

From: PTC EMAIL SYSTEM WASH DC
Sent: 17:04:01 04/23/2001
Cc: OTJAGINTERNATIONALANDOPERATIONAL; OSASECOFARMY; ODUSA(IA)INTLPOLICYANDINTEGRATIO
Cc Precedence: Routine
Subject: US-GOB: STATUS OF FORCES AGREEMENT FINALIZED
Security: This message has been digitally signed and encrypted

UNCLASSIFIED

RATUZYUW RUEKJCS1095 1132101-UUUU--RJASASA RJADAJA.
ZNR UUUUU
R 232101Z APR 01
FM PTC EMAIL SYSTEM WASH DC
INFO RJADAJA/DA EMAIL CUSTOMER//DAJA/SASA/IA-IPP/IA-IPP-SMTP/
DACS-1-SMTP//

R 232101Z APR 01
FM JOINT STAFF WASHINGTON DC
INFO RUEADWD/OCSA WASHINGTON DC
RUENAAA/CNO WASHINGTON DC
RHMFIUU/CNO WASHINGTON DC
R 230836Z APR 01
FM AMEMBASSY GABORONE
TO RUEHC/SECSTATE WASHDC 6472
INFO RUEKJCS/SECDEF WASHDC//USDA/ISA/AIR//
RUEKJCS/JOINT STAFF WASHDC
RUFGNOA/USCINCEUR VAHINGEN GE//ECJ5-M/ECJA//
RUEKDIA/DIA WASHDC
RUFTVFA/3AF RAF MILDENHALL UK//JA//

BT

UNCLAS GABORONE 001690

E.O. 12958: N/A

TAGS: MASS, MARR, PREL, KTIA, BC
SUBJECT: US-GOB: STATUS OF FORCES AGREEMENT FINALIZED

REF: A) GABORONE 0596, B) 00 STATE 213115

1. FURTHER TO REF A REPORTING THE EXCHANGE OF DIPLOMATIC NOTES TO ENACT A SOFA WITH THE GOVERNMENT OF BOTSWANA, WE DISCOVERED THAT THE GOB NOTE CONTAINED SEVERAL ERRORS. UPON NOTIFYING THE GOB, WE WERE TOLD THAT THE DISCREPANCIES WERE INADVERTENT. MFA OFFICIALS ASSURED US THAT THE GOB FULLY AGREED WITH THE LANGUAGE PROPOSED IN OUR DIPLOMATIC NOTE AND THAT THE ERRORS IN THE GOB RESPONSE WERE DUE TO POOR TYPISTS AT THE MFA AND CONFUSION OVER DIFFERENT VERSIONS OF THE SOFA LANGUAGE IN GOB FILES.

2. THE GOB HAS SUBMITTED TO US A NEW (VICE F3) NOTE NO. 07/01 EA 14/1 XLV (49) F4. (NOTE: WE HAD ASKED THE GOB TO FORMALLY WITHDRAW THE ORIGINAL DIPLOMATIC NOTE AND SUBMIT A NEW ONE, BUT THEY CHOSE INSTEAD TO SUBMIT THE NEW DIPLOMATIC NOTE AS A CORRECTED COPY OF THE ORIGINAL, WITH THE ORIGINAL DATE. END NOTE.)

3. WE RESUBMIT BELOW THE TEXT OF OUR ORIGINAL NOTE (PARA 4) AND THE TEXT OF THE CORRECTED GOB NOTE (PARA 5). ORIGINAL OF THE CORRECTED GOB NOTE WILL BE POUCHED TO DEPARTMENT, TO THE ATTENTION OF LOIS ADLER, L/T, ROOM 5240. (NOTE: CERTIFIED COPY OF THE EMBASSY NOTE IS ALREADY ON RECORD IN THE DEPARTMENT.)

4. BEGIN TEXT OF EMBASSY NOTE NO. 12

THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF BOTSWANA AND HAS THE HONOR TO REFER TO RECENT DISCUSSIONS BETWEEN REPRESENTATIVES OUR (SIC) TWO GOVERNMENTS REGARDING MATTERS RELATED TO U.S. MILITARY AND CIVILIAN PERSONNEL OF THE U.S. DEPARTMENT OF DEFENSE WHO MAY BE TEMPORARILY PRESENT

<1> <Unclassified>

<Unclassified>

IN BOTSWANA IN CONJUNCTION WITH EXERCISES, TRAINING, HUMANITARIAN ASSISTANCE, OR OTHER ACTIVITIES WHICH MAY BE AGREED UPON BY OUR TWO GOVERNMENTS. AS A RESULT OF THESE DISCUSSIONS, THE EMBASSY HAS THE HONOR TO PROPOSE THAT SUCH PERSONNEL BE ACCORDED STATUS EQUIVALENT TO THAT ACCORDED TO ADMINISTRATIVE AND TECHNICAL STAFF OF THE UNITED STATES EMBASSY UNDER THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OF APRIL 18, 1961, AND THAT THEY MAY ENTER AND EXIT BOTSWANA WITH UNITED STATES IDENTIFICATION AND WITH COLLECTIVE MOVEMENT OR INDIVIDUAL TRAVEL ORDERS.

THE EMBASSY FURTHER PROPOSES THAT SUCH PERSONNEL BE AUTHORIZED TO WEAR UNIFORMS WHILE PERFORMING OFFICIAL DUTIES AND TO CARRY ARMS WHILE ON DUTY IF AUTHORIZED TO DO SO BY THEIR ORDERS; AND THAT THE GOVERNMENT OF BOTSWANA ACCORD DUTY-FREE IMPORTATION AND EXPORTATION, AS WELL AS EXEMPTION FROM INSPECTION AND INTERNAL TAXATION, ON PRODUCTS, PROPERTY, MATERIAL, AND EQUIPMENT IMPORTED INTO OR ACQUIRED IN BOTSWANA BY OR ON BEHALF OF THE UNITED STATES GOVERNMENT IN CONNECTION WITH OFFICIAL ACTIVITIES. THE EMBASSY ALSO PROPOSES THAT VEHICLES AND AIRCRAFT OWNED OR OPERATED BY OR EXCLUSIVELY FOR THE U.S. ARMED FORCES SHALL NOT BE SUBJECT TO THE PAYMENT OF LANDING FEES, PARKING FEES, NAVIGATOR OVERFLIGHT CHARGES, OR SIMILAR FEES OR CHARGES WHILE IN BOTSWANA; HOWEVER, THE UNITED STATES ARMED FORCES SHALL PAY REASONABLE CHARGES FOR SERVICES REQUESTED AND RECEIVED. FINALLY, THE EMBASSY PROPOSES THAT BOTH GOVERNMENTS WAIVE ANY AND ALL CLAIMS (OTHER THAN CONTRACTUAL CLAIMS) AGAINST EACH OTHER FOR DAMAGE, LOSS OR DESTRUCTION OF THE OTHER'S PROPERTY OR FOR INJURY OR DEATH TO PERSONNEL OF THE TWO GOVERNMENTS ARISING OUT OF THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

IF THE FOREGOING IS ACCEPTABLE TO YOUR GOVERNMENT, THE EMBASSY HAS THE HONOR TO PROPOSE THAT THIS NOTE, TOGETHER WITH THE GOVERNMENT OF BOTSWANA'S NOTE IN REPLY SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS WHICH SHALL ENTER INTO FORCE ON THE DATE OF YOUR NOTE.

THE EMBASSY OF THE UNITED STATES OF AMERICA AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF BOTSWANA THE ASSURANCES OF ITS HIGHEST CONSIDERATION.

EMBASSY OF THE UNITED STATES OF AMERICA
GABORONE, JANUARY 22, 2001

5. BEGIN TEXT OF REPUBLIC OF BOTSWANA NOTE NO. 07/01
EA 14/1 XLV (49) F4

THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF BOTSWANA PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF AMERICA AND HAS THE HONOUR TO REFER TO RECENT DISCUSSIONS BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENTS REGARDING MATTERS RELATED TO U.S. MILITARY AND CIVILIAN PERSONNEL OF THE U.S. DEPARTMENT OF DEFENCE WHO MAY BE TEMPORARILY PRESENT IN BOTSWANA FOR THE PURPOSE OF CARRYING OUT EXERCISES, TRAINING, HUMANITARIAN ASSISTANCE, OR OTHER ACTIVITIES WHICH MAY BE AGREED UPON BY BOTH GOVERNMENTS.

FOLLOWING THESE DISCUSSIONS, THE MINISTRY HAS THE HONOUR TO CONFIRM THAT THE GOVERNMENT OF BOTSWANA AGREES TO ACCORD THE AFORE-STATED PERSONNEL THE STATUS EQUIVALENT TO THAT ACCORDED TO ADMINISTRATIVE AND TECHNICAL STAFF OF THE EMBASSY OF THE UNITED

<2> <Unclassified>

<Unclassified>

STATES OF AMERICA UNDER THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS 18TH APRIL 1961, AND THAT THEY MAY ENTER AND EXIT BOTSWANA WITH UNITED STATES IDENTIFICATIONS AND WITH COLLECTIVE MOVEMENTS OR INDIVIDUAL TRAVEL ORDERS.

THE MINISTRY FURTHER WISHES TO INFORM THE EMBASSY THAT SUCH PERSONNEL BE AUTHORISED TO WEAR UNIFORMS WHILE PERFORMING OFFICIAL ACTIVITIES AND TO CARRY ARMS WHILE ON DUTY IF AUTHORISED TO DO SO BY THEIR ORDERS; AND THAT THE GOVERNMENT OF BOTSWANA ACCORD DUTY-FREE IMPORTATION AND EXPORTATION, AS WELL AS EXEMPTION FROM INSPECTION AND INTERNAL TAXATION, ON PRODUCTS, PROPERTY, MATERIAL, AND EQUIPMENT IMPORTED INTO OR ACQUIRED IN BOTSWANA BY OR ON BEHALF OF THE UNITED STATES GOVERNMENT IN CONNECTION WITH OFFICIAL ACTIVITIES.

VEHICLES AND AIRCRAFT OWNED OR OPERATED BY OR EXCLUSIVELY FOR THE U.S. ARMED FORCES SHALL NOT BE SUBJECT TO THE PAYMENT OF LANDING FEES, PARKING FEES, NAVIGATOR OVER-FLIGHT CHARGES, OR OTHER SIMILAR FEES OR CHARGES WHILE IN THE REPUBLIC OF BOTSWANA; HOWEVER, THE UNITED STATES ARMED FORCES SHALL PAY REASONABLE CHARGES FOR SERVICES REQUESTED AND RECEIVED.

FINALLY, THE MINISTRY FURTHER ACCEPTS THAT BOTH GOVERNMENTS WAIVE ANY AND ALL CLAIMS (OTHER THAN CONTRACTUAL CLAIMS) AGAINST EACH OTHER FOR DAMAGE, LOSS OR DESTRUCTION OF THE OTHER'S PROPERTY OR FOR INJURY OR DEATH TO PERSONNEL OF THE TWO GOVERNMENTS ARISING OUT OF THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

ACCORDINGLY, YOUR NOTE, AND THIS NOTE IN REPLY THERETO SHALL THUS CONSTITUTE AN AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF BOTSWANA, WHICH SHALL ENTER INTO FORCE ON THE DATE OF THIS NOTE.

THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF BOTSWANA AVAILS ITSELF OF THE OPPORTUNITY TO RENEW TO THE EMBASSY OF THE UNITED STATES OF AMERICA THE ASSURANCES OF ITS HIGHEST CONSIDERATION.

13 FEBRUARY 2001
GABORONE

MORROW
BT
#1095

NNNN

<3> <Unclassified>