

FINANCE AND AUDIT ACT
(Cap. 54:01)

TROPICAL FOREST CONSERVATION FUND ORDER, 2007
(Published on 5th February, 2007)

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IN EXERCISE of the powers conferred on the Minister of Finance and Development Planning by section 25 of the Finance and Audit Act, the following Order is hereby made —

1. This Order may be cited as the Tropical Forest Conservation Fund Order, 2007.

2. In this Order, unless the context otherwise requires —

“Accounting Officer” means the Permanent Secretary in the Ministry of Environment, Wildlife and Tourism appointed as such under paragraph 5 of this Order;

“Board” means the Tropical Forest Conservation Board established by the Minister responsible for environment, wildlife and tourism as provided under paragraph 6;

“Debt Reduction Agreement” means the Agreement entered into by the Government of Botswana and the Government of the United States of America on 5th of October, 2006, which substitutes and replaces the rights and obligations arising under the Loan and Grant Agreements between the Government of Botswana and the Government of the United States of America, acting through USAID, dated 30 June, 1971, 31 August, 1972 and 12 June, 1973 respectively.

“Fund” means the Tropical Forest Conservation Fund established by paragraph 3 of this Order;

“Parties” means the parties to the Tropical Forest Conservation Agreement and the Debt Reduction Agreement;

“Tropical Forest Conservation Agreement” means the Agreement entered into by the Government of Botswana and the Government of the United States of America on 5th of October 2006, concerning the establishment of a Tropical Forest Conservation Fund and a Tropical Forest Conservation Board.

Citation
Interpretation

Establishment
of Fund

Purpose of
Fund Cap.
38:03

3. There is hereby established a special fund to be known as the Tropical Forest Conservation Fund.

4. (1) The purpose of the Fund is to promote activities designed to conserve, maintain and restore the forests of Botswana in accordance with the terms of the Tropical Forest Conservation Agreement, the Forest Act and the National Forest Policy.

(2) Without prejudice to the generality of sub-paragraph (1), the Fund may provide for the —

- (a) establishment, restoration, protection and maintenance of parks, protected areas and reserves;
- (b) development and implementation of scientifically sound systems of natural resource management;
- (c) training programmes to increase scientific, technical and managerial capacities of individuals and organizations involved in forest conservation efforts;
- (d) restoration, protection or sustainable use of diverse animal and plant species;
- (e) research and identification of medicinal uses of forest plant life to treat human diseases, illnesses and health related concerns; and
- (f) development and support of the livelihoods of individuals living in or near forests in a manner consistent with protecting such forests.

Administration
of Fund

5. (1) The Permanent Secretary in the Ministry of Environment, Wildlife and Tourism is hereby appointed the Accounting Officer and he or she shall be the public officer responsible for the administration of the Fund in accordance with the provisions of this Order and the terms of the Tropical Forest Conservation Agreement.

(2) The Accounting Officer shall oversee payments into the Fund and disbursements out of the Fund, and shall act in respect to all matters concerning the Fund in accordance with the directives of the Board.

(3) The Accounting Officer shall cause the —

- (a) keeping and maintenance of proper accounts and records of the Fund; and
- (b) maintenance of an account in which shall be recorded all receipts into the Fund, all disbursements from the Fund, and the reconciliation of the monthly accounts of the Fund.

(4) The accounting officer may exercise all such power and perform all such duties as may be required to be exercised or performed for the proper discharge of his or her functions.

(5) The responsible officer may in writing authorize any other public officer to exercise or perform all or any of the powers or duties required of the responsible officers.

6. The Minister responsible for environment, wildlife and tourism shall establish, in accordance with the terms of the Tropical Forest Conservation Agreement, the Tropical Forest Conservation Board to undertake the day to day activities of the Fund.

Tropical
Forest
Conservation
Board

Receipts into
Fund

7. (1) There shall be paid into the Fund —

- (a) monies appropriated by Parliament for purposes of the Fund;
- (b) deposits made pursuant to Article II, paragraph 3 of the Debt Reduction Agreement;
- (c) grants and contributions from other sources; and
- (d) proceeds of investment made pursuant to paragraph 8.

8. (1) The Board shall invest the monies of the Fund not immediately required for payments from the Fund on such terms as shall —

- (a) contribute to the achievements of the objectives of the Fund; and
- (b) ensure that such investment yields a positive real rate of return within acceptable limits of risk in accordance with sound investment practices.

(2) For purposes of obtaining high yields of investment, the parties may require the Board to convert all or part of the monies of the Fund into one or more hard currencies for a stated period.

(3) Any interest earned from the investment of the monies of the Fund shall accrue to the Fund.

9. (1) The Board shall be responsible for the administration and management of the Fund and for directing the Accounting Officer with respect to the Fund.

(2) The Board shall award grants from the Fund to finance approved projects for any of the activities set out under paragraph 4 and in accordance with the guidelines set out in paragraph 10.

(3) The Board shall maintain and make available for public inspection a record of —

- (a) each resolution of the Board to award a grant; and
- (b) the justification for the resolution to award the grant.

(4) The Board shall cause to be paid out of the monies of the Fund administrative costs, not exceeding the annual amount agreed upon by the Parties, relating to the —

- (a) administrative management of the Board;
- (b) financial auditing of the accounts of the Board; and
- (c) remuneration of Board members representing the Non-Governmental Organizations.

10. (1) The Board shall develop guidelines for the awarding of grants that shall provide, inter alia, for —

- (a) the public announcement of each grant awarded; and
- (b) developing, after consultation with the Accounting Officer, a Grant Agreement with respect to each grant recipient, which shall, inter alia, provide for —
 - (i) the receipt and use of the grant awarded;
 - (ii) a schedule for grant process;
 - (iii) the auditing and reporting requirements for the grant and any project financed by the grant;
 - (iv) representations and warranties;
 - (v) the procedures to monitor performance for awarded grants;
 - (vi) the intellectual property rights applicable; and
 - (vii) the procedures to be followed for the return of an unused grant or the recovery of a misused grant.

(2) The Board shall establish guidelines for making readily available to the public information on —

- (a) the selection criteria for awarding grants, which selection criteria shall include —
 - (i) criteria for evaluating an application; and
 - (ii) requirements for the approval of an application;
- (b) the board's written policies;
- (c) its operating procedures; and
- (d) the summaries of the Board's proceedings.

Investment of
monies of
Fund

Disbursements
from Fund

Guidelines for
awarding
grants

Accounts of
Fund

11. (1) The Board shall cause to be conducted an annual financial audit of the accounts of the Fund in accordance with the generally accepted international accounting standards.

(2) No later than six months after the close of each financial year the accounts and balance sheet with respect to that year shall be audited by an independent auditor appointed by the Board.

(3) As soon as the accounts and balance sheet have been audited, and in any case not later than six months after the audit, the Board shall submit to each of the Parties a copy of each audited account together with the auditor's report.

Annual report

12. The Board shall, within six months after the end of the financial year, submit to the Parties a report on the conduct of the business of the Board.

MADE this 2nd day of February, 2007.

B. GAOLATHE,
*Minister for Finance and
Development Planning.*

L2/7/97 IV