

Statutory Instrument No. 139 of 2022

PUBLIC FINANCE MANAGEMENT ACT
(Cap. 54:01)

**PUBLIC FINANCE MANAGEMENT (CONSERVATION TRUST
FUND) ORDER, 2022**

(Published on 21st October, 2022)

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IN EXERCISE of the powers conferred on the Minister of Finance by section 38 of the Public Finance Management Act, the following Order is hereby made —

1. This Order may be cited as the Public Finance Management (Conservation Trust Fund) Order, 2022. Citation
2. In this Order, unless the context otherwise requires — Interpretation
 - “Accounting Officer” means the Permanent Secretary in the ministry responsible for conservation appointed as such under paragraph 5;
 - “Board of Trustees” means a Management Committee appointed under paragraph 6;
 - “CITES” means the Convention on International Trade in Endangered Species of Wildlife Fauna And Flora to which Botswana is a Party as set out in the Fifth Schedule to the Wildlife Conservation and National Parks Act, and includes any Appendices thereto and any Resolutions of the Conferences of the Parties; and Cap. 38:01
 - “Fund” means the Public Finance Management (Conservation Trust Fund).
3. The Conservation Trust Fund established by section 38 (1) of the Act, is hereby continued under a Special Fund known as the Public Finance Management (Conservation Trust Fund) and shall continue to exist as if established by this Order. Continuation of Fund established under S.I. No. 12 of 1999
4. The purpose of the Fund is to finance the conservation of elephants and development of community-based projects for communities living within and adjacent to elephant ranges. Purpose of Fund
5. (1) The Permanent Secretary in the Ministry responsible for conservation shall be the Accounting Officer and he or she shall be responsible for the administration of the Fund. Administration of Fund

(2) The Accounting Officer may exercise all such powers and perform such duties as may be required to be exercised or performed for the proper discharge of his or her duties under this Order.

(3) The Accounting Officer may, in writing, authorise any other public officer to exercise or perform all or any of the powers or duties required of him or her under this Order.

Management of Fund

6. (1) The Minister responsible for conservation shall, after consultation with the Accounting Officer, appoint a Board of Trustees for the Fund.

(2) The Board of Trustees shall be responsible for —

- (a) overseeing the management of the Fund;
- (b) determining the investment strategies and disbursement procedures of the Fund in accordance with the Act;
- (c) recommending to the Accounting Officer to advise the Minister, to transfer to the Consolidated Fund any surplus in excess of the amount considered;
- (d) maintaining records for gains and losses transactions made into the Fund;
- (e) making recommendations to the Accounting Officer on any changes or amendments to be made in the Fund Order for subsequent approval by the Minister;
- (f) ensuring that all foreign exchange gains are recorded and accounted for by an officer from the Office of the Accountant General; and
- (g) reviewing and ensuring that audit recommendations are implemented.

(3) The Board of Trustees appointed under subparagraph (1) shall consist of —

- (a) the Deputy Permanent Secretary in the Ministry responsible for conservation, who shall be the Chairperson of the Board of Trustees;
- (b) the Coordinator of community based natural resources management;
- (c) a representative from Botswana Tourism Organisation;
- (d) two representatives from non-governmental organisations concerned with conservation;
- (e) a representative from a community based organisation; and
- (f) a representative from the Department responsible for environmental affairs.

(4) The Department responsible for wildlife and national parks shall provide secretarial services to the Committee under subparagraph (3).

(5) The members of the Board of Trustees shall be appointed for a period of three years and shall be eligible for re-appointment for a further term not exceeding three years.

Receipts into Fund

7. There shall be paid into the Fund —

- (a) such monies as may be received from the export of ivory in accordance with Decisions 10.1. and 10.2 taken at the 10th CITES and other future CITES decisions;
- (b) incomes from the investment of monies of the Fund in accordance with paragraph 10; and
- (c) grants, donations and contribution from other sources of income as the Minister responsible for finance may approve.

Disbursement from Fund

8. There shall be paid from the Fund —

- (a) 60% of the monies which shall be used to pay expenses connected with the conservation of elephants; and
- (b) 40% of the monies which shall be used for expenses connected with the development of community-based projects for the communities living within and adjacent to elephant ranges.

9. If the Fund is in surplus at the end of a financial year, such surplus shall remain as part of the Fund balance and shall be carried forward into the following financial year. Surplus in Fund
10. (1) Any monies accruing to the Fund which is not required for immediate use shall be invested in accordance with the objects of the Fund as the Accountant-General may direct. Investment of Fund monies
- (2) Income earned from an investment made in accordance with subparagraph (1) shall accrue to the Fund.
11. The Accounting Officer shall — Accounts of Fund
- (a) keep and maintain, or cause to be kept and maintained, proper books of accounts and records of all financial transactions, assets and liabilities of the Fund in respect of each financial year;
- (b) maintain an account into which all receipts into the Fund and all disbursements from the fund shall be recorded and monthly reconciliation of the Fund accounts shall be carried out; and
- (c) prepare, sign and transmit to the Accountant-General and Auditor-General a statement of income and expenditure and a balance sheet of the Fund in respect of the financial year, containing such information in the manner that the Minister, in consultation with the Accountant-General may direct, within a period of two months after the close of each financial year.
12. The Conservation Trust Fund Order is hereby revoked. Revocation of S.I. No.12 of 1999

MADÉ this 29th day of September, 2022.

PEGGY O. SERAME,
Minister of Finance.