

No. 9264

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
ZAMBIA**

Exchange of letters constituting an agreement concerning the provision of personnel of the United Kingdom Armed Forces to serve as a Training Team with the Armed Forces of Zambia (with appendix). Lusaka, 21 February 1968

Official text: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 1 October 1968.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
ZAMBIE**

Échange de lettres constituant un accord relatif à l'envoi de personnel des Forces armées britanniques en détachement auprès des Forces armées zambiennes en tant que groupe d'instructeurs (avec appendice). Lusaka, 21 février 1968

Texte officiel anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 1^{er} octobre 1968.

No. 9264. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA CONCERNING THE PROVISION OF PERSONNEL OF THE UNITED KINGDOM ARMED FORCES TO SERVE AS A TRAINING TEAM WITH THE ARMED FORCES OF ZAMBIA. LUSAKA, 21 FEBRUARY 1968

I

The United Kingdom High Commissioner at Lusaka to the Minister of Finance and Acting Minister for Foreign Affairs of the Republic of Zambia

BRITISH HIGH COMMISSION
LUSAKA

21 February, 1968

My dear Minister,

I refer to the discussions which have taken place between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Zambia concerning the provision of personnel of the United Kingdom Armed Forces to serve as a Training Team with the Armed Forces of Zambia.

In the course of these discussions it was agreed that the arrangements for the provision of such personnel should be those set out in the Appendix to this letter.

It was further agreed that such arrangements will be reviewed at the request of either Government at any time and that following any such review either Government may give the other notice of termination of this arrangement at the expiration of one year from the giving of the notice, except that no notice will be given before 31 December, 1968.

I propose that, if these arrangements are acceptable to the Government of the Republic of Zambia, this letter and its Appendix together with your reply to that effect, shall be regarded as constituting an Agreement on this matter between

¹ Came into force on 21 February 1968 by the exchange of the said letters, with effect from 24 October 1964 in accordance with their provisions.

the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Zambia, which shall be deemed to have entered into force on 24 October, 1964.

Yours sincerely,

J. L. PUMPHREY

APPENDIX

THE TRAINING TEAM AGREEMENT

DEFINITIONS

1. "Dependant", in relation to a person means:

the spouse of that person; or

any individual wholly or mainly maintained by, or in the custody or charge of, that person, or who forms part of his family; or

any other individual (not being a national of nor ordinarily resident in the Receiving State) who is in domestic employment in the household of that person;

"United Kingdom Service Authorities" means the authorities of the United Kingdom empowered by the law of the United Kingdom to exercise command or jurisdiction over the Armed Forces of the United Kingdom and their dependants;

"Service Regulations" means any Statute, Order, Regulation, Warrant or Instruction relating to naval, military or air forces;

"Unit" includes a headquarters, ship or establishment;

"the Receiving State" means the Republic of Zambia;

"Other ranks" includes all personnel of any of the United Kingdom Armed Forces who do not hold a commissioned rank;

"entitled Dependants" means the spouse of a member of the British Training Team or his dependants for whom the United Kingdom Government have provided or will provide a free passage to or from the Receiving State.

COMPOSITION

2. (a) The Government of the United Kingdom will endeavour to obtain volunteers from the Armed Forces of the United Kingdom to form a British Training Team, the size and composition of which will be agreed from time to time between the Receiving State and the Government of the United Kingdom.

(b) The British Training Team is a unit of the United Kingdom Armed Forces whose task is to give training, advice and assistance to the Armed Forces of the Receiving State.

(c) The Commander of the British Training Team will be responsible to the Government of the United Kingdom through his British service superiors for the discipline and efficiency of his team.

RELATIONSHIP WITH THE ARMED FORCES OF THE RECEIVING STATE

3. (a) Members of the British Training Team shall be treated, except in so far as this Appendix otherwise provides, as members of the Armed Forces of the Receiving State of equivalent rank.

(b) The Commander of the British Training Team will provide training advice and assistance within the limits of his capabilities in accordance with the requirements of the Commander of the Armed Forces of the Receiving State.

(c) Members of the British Training Team will not normally be given executive responsibility in the Armed Forces of the Receiving State. However, where in the course of his duties as a member of the British Training Team an officer or other rank is given such responsibility, he shall have powers of command over any member of the Armed Forces of the Receiving State, as if he were a member of the Armed Forces of the Receiving State of relative rank and will be required to obey orders or instructions of superior officers under whose command he is placed, provided that such orders or instructions are not inconsistent with his duties under United Kingdom Service Regulations, and would if given by anyone subject to those Regulations constitute a lawful command under those Regulations.

(d) Members of the British Training Team shall not be subject to the Service Regulations of the Receiving State nor to the jurisdiction of any authority, court or tribunal deriving its constitution or powers under the Service Regulations of the Receiving State.

(e) Members of the British Training Team shall not take part in hostilities or other operations of a warlike nature undertaken by the Armed Forces of the Receiving State nor, without the consent of the Government of the United Kingdom, in the operations of those forces which are concerned with the preservation of peace, with internal security or with the enforcement of law and order.

(f) Members of the British Training Team and their dependants shall not be subject to any legislation in the Receiving State relating to liability for compulsory service of any kind.

(g) Married members of the British Training Team will normally be accompanied by their wives and other dependants, subject to prior consultation between the Receiving State and the Senior United Kingdom officer of the Service of the United Kingdom Armed Forces to which the individual belongs.

JURISDICTION

4. (a) Subject to the provisions of this paragraph—

- (1) the United Kingdom Service Authorities shall have the right to exercise within the Receiving State or on board any ship or aircraft of the Receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the United Kingdom over members of the British Training Team and their dependants; and
- (2) the Courts of the Receiving State shall have jurisdiction over members of the British Training Team and their dependants with respect to offences committed in the Receiving State and punishable by the law of the Receiving State.

(b) Where both the Courts of the Receiving State and the United Kingdom Service Authorities have the right to exercise jurisdiction, the United Kingdom Service Authorities shall have the primary right to exercise jurisdiction if—

- (1) the offence is an offence against the property or security of the United Kingdom or against the property or person of another member of the British Training Team or a dependant of such a member; or
- (2) the offence arises out of an act or omission done in the course of official duty.

In any other case the Courts of the Receiving State shall have the primary right to exercise jurisdiction. If the State having the primary right decided not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance and in cases of minor offences where the Courts of the Receiving State have the primary right and where the United Kingdom Service Authorities can impose a suitable punishment by disciplinary action without recourse to a court.

(c) (1) The authorities of the Receiving State and the United Kingdom shall assist each other in the arrest of members of the British Training Team or their dependants in the territory of the Receiving State for the purpose of handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions;

(2) the authorities of the Receiving State shall notify the British High Commissioner promptly of the arrest of a member of the British Training Team, or his dependants;

(3) the authorities of the United Kingdom, if the Courts of the Receiving State are to exercise jurisdiction over a member of the British Training Team or a dependant of a member shall have the right to take custody of him until he is brought to trial by the Courts of the Receiving State: provided that the authorities of the United Kingdom undertake to present him to those Courts for Investigatory proceedings and trial when required.

(d) (1) The authorities of the Receiving State and the United Kingdom will assist each other in the Investigation and obtaining of evidence in relation to offences;

(2) the authorities of the Receiving State and of the United Kingdom shall notify each other of the disposition of all cases in which both the Courts of the Receiving State and the United Kingdom Service Authorities have the right to exercise jurisdiction.

(e) Where an accused has been tried in accordance with the provisions of this paragraph by the United Kingdom Service Authorities or the Courts of the Receiving State and has been convicted or acquitted, which expression includes a charge being dismissed by the Commanding Officer or other appropriate authority of the accused after investigation, he may not be tried again for the same offence or in respect of the same circumstances within the Receiving State by either. This sub-paragraph shall not prevent the United Kingdom Service Authorities from trying a member of the British Training Team for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the Courts of the Receiving State.