

WORLD TRADE ORGANIZATION

S/DCS/W/BWA
24 January 2003

(03-0444)

Trade in Services

Original: English

BOTSWANA

Draft converted Schedule of Specific Commitments¹

Attached is a draft converted version of the Schedule of Specific Commitments of Botswana in word format. This document does not substitute for the legally binding commitments undertaken by Botswana in its Schedule of Specific Commitments (GATS/SC/109).

The draft converted version of the Schedule was prepared by the Secretariat, at the request of Members, to facilitate the process of negotiations, including the presentation of initial offers.

¹ This document has been prepared, in English only, under the Secretariat's own responsibility and without prejudice to the positions of Members and to their rights and obligations under the WTO.

BOTSWANA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>1),2) None</p> <p>3) All juridical persons must be registered with the Registrar of Companies. All juridical persons are required to have a licence issued by the relevant authorities.</p>	<p>1),2) Capital remittances and transfer of funds require approval of the Bank of Botswana (Central Bank). Fees payable the Bank of Botswana (Central Bank). Fees payable to non-resident service supplier are subject to approval of the Bank of Botswana.</p> <p>3) The Government does not have a fixed ratio of equity between foreign and local companies. But foreign investors are encouraged to enter into joint ventures with local investors. Juridical persons who specialize in providing services should be registered in their countries of origin. The Ministry of Commerce and Industry should be notified of all sale of business interests, mergers and take-overs. When foreign investors sell their interests in resident companies, locals should be given priority to purchase such interests.</p>	

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	<p>4) Entry and residence in Botswana of foreign natural persons is subject to immigration laws, regulations, guidelines and procedures. Employment in Botswana of foreign natural persons is subject to labour laws, regulations and procedures. For a foreign natural person to work in Botswana a residence and work permit is required.</p> <p>Foreign natural persons shall be employed by companies that provide services within Botswana only as managers, executives, special technicians and highly qualified professionals.</p> <p>Investors are required to conform to the requirements of the localization policy. Investors are required to train citizens in order to enable them to assume senior management positions over time.</p> <p>Professionals are required to register with the appropriate professional body.</p>	<p>4) Professional foreign natural persons should be recognized as such and they should have rights to practise in their countries of origin.</p> <p>Professional natural persons should be recognized and be registered by the appropriate committee or council.</p>	
II. SECTOR-SPECIFIC COMMITMENTS			
<p>1. BUSINESS SERVICES</p> <p>A. <u>Professional services</u></p> <p>d) Architectural services (CPC 8671)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) The foreign company should be a registered institution and allowed to practise in its country of origin.</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) The qualifications of foreign professional employed by the company should be recognized by the appropriate legislation Council and in its absence the Architects Association of Botswana.</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	

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e) Engineering services (CPC 8672)	1) Unbound 2) None 3) The foreign company should be a registered institution and allowed to practise in its country of origin. 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) The qualifications of foreign professional employed by the company should be recognized by the appropriate legislation Council and in its absence the Botswana Institute of Engineers. 4) Unbound except as indicated in the Horizontal Commitments.	
f) Integrated engineering services (CPC 8673)	1) Unbound 2) None 3) The foreign company should be a registered institution and allowed to practise in its country of origin. 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) The qualifications of foreign professional employed by the company should be recognized by the appropriate legislation Council and in its absence the Botswana Institute of Engineers. 4) Unbound except as indicated in the Horizontal Commitments.	
h) Medical and dental services (CPC 9312)	1) Unbound 2) None 3) Foreign-owned hospitals or clinics are encouraged to enter into joint ventures with local hospitals and clinics. The service should only be supplied by natural persons. 4) Unbound	1) Unbound 2) None 3) The hospitals and clinics should employ Botswana nationals as doctors, medical personnel and supporting staff. The qualifications of foreign natural persons employed by the hospitals or clinics should be recognized by the Botswana Medical Council in the Ministry of Health. 4) All medical and dental practitioners should be registered with the Botswana Medical Council.	

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i) Veterinary services (CPC 932)	1) Unbound 2) None 3) The services should only be supplied by natural persons. 4) Unbound	1) Unbound 2) None 3) The service supplier must meet all residency requirements. The qualifications of the service suppliers should be recognized by the Ministry of Agriculture. 4) Unbound	
j) Services provided by mid-wives, nurses, physiotherapists and para-medical personnel (CPC 93191)	1) Unbound 2) None 3) The services should only be supplied by natural persons. 4) Unbound	1) Unbound 2) None 3) The qualifications of the service suppliers should be recognized by either the Botswana Nursing Council or the Botswana Medical Council 4) Unbound	
k) Other Specialized medical services including forensic medicine, neuro-surgery, cardio-thoracic surgery, micro-vascular surgery, plastic surgery, geriatrics, traumatology, anaesthesiology, clinical immunology and oncology, child psychiatry, physical medicine and intensive care specialist (CPC 93122)	1) Unbound 2) None 3) Only natural persons can supply specialized medical services. 4) Unbound	1) Unbound 2) None 3) The qualifications of suppliers of specialized medical services should be recognized by the Botswana Medical Council. 4) Unbound	
B. <u>Computer and related services</u>			
a) Consultancy services related to the installation of computer hardware (CPC 841)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	
b) Software implementation	1) Unbound	1) Unbound	

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services (CPC 842)	2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	
c) Data-processing services (CPC 843)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	
d) Data-base services (CPC 844)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the Horizontal Commitments.	
e) Other Maintenance and repair services of office machinery and equipment including computers (CPC 845)	1) The service should be supplied through commercial presence. 2) None 3) The service should be supplied through commercial presence. 4) Unbound except as indicated in the Horizontal Commitments.	1) The service supplier should meet all residency requirements. 2) None 3) The service supplier should meet all residency requirements. 4) Unbound except as indicated in the Horizontal Commitments.	
C. <u>Research and development services</u>			
b) Research and experimental development services of social sciences and humanities, including law and economics (CPC 852)	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments.	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the Horizontal Commitments.	

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<p>D. <u>Real estate services</u></p> <p>a) Involving own or leased property (CPC 821)</p> <p>b) Real estate on a fee or contract basis (CPC 822)</p>	<p>1) The service should be supplied through commercial presence.</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p> <p>1) The service should be supplied through commercial presence.</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	<p>1) The service supplier should meet all residency requirements.</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p> <p>1) The service supplier should meet all residency requirements.</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	
<p>F. <u>Other business services</u></p> <p>n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633, 8861-8866)</p> <p>t) Other Translation and interpretation services (CPC 87905)</p>	<p>1) The service should be supplied through commercial presence.</p> <p>2) None</p> <p>3) The service should be supplied through commercial presence.</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p> <p>1) Unbound</p> <p>2) None</p> <p>3) The service should be supplied through commercial presence.</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	<p>1) None</p> <p>2) None</p> <p>3) The service supplier should meet all residency requirements.</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p> <p>1) Unbound</p> <p>2) None</p> <p>3) The service supplier should meet all residency requirements.</p> <p>4) Unbound except as indicated in the Horizontal Commitments.</p>	
<p>2. COMMUNICATION SERVICES</p> <p>B <u>Courier services</u> Commercial courier services, including by public transport of self-owned transport (CPC 75121)</p>	<p>1) None</p> <p>2) None</p> <p>3) The service should be supplied through commercial presence.</p> <p>4) Unbound except as indicated in the Horizontal</p>	<p>1) None</p> <p>2) None</p> <p>3) The service supplier should meet all residency requirements.</p> <p>4) Unbound except as indicated in the Horizontal</p>	

