

No. 45054*

**South Africa
and
China**

Agreement between the Government of the Republic of South Africa and the Government of the People's Republic of China on co-operation in the minerals and energy sector. Beijing, 24 September 2007

Entry into force: *24 September 2007 by signature, in accordance with article 8*

Authentic texts: *Chinese and English*

Registration with the Secretariat of the United Nations: *South Africa, 18 June 2008*

**Afrique du Sud
et
Chine**

Accord entre le Gouvernement de la République sud-africaine et le Gouvernement de la République populaire de Chine relatif à la coopération dans le secteur des minéraux et de l'énergie. Beijing, 24 septembre 2007

Entrée en vigueur : *24 septembre 2007 par signature, conformément à l'article 8*

Textes authentiques : *chinois et anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 18 juin 2008*

* *The texts reproduced below are the original texts of the agreement as submitted. For ease of reference, they were sequentially paginated. Their final UNTS version is not yet available.*

Les textes reproduit ci-dessous sont les textes authentiques de l'accord tel que soumises pour l'enregistrement. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Leur version finale RTNU n'est pas encore disponible.

[CHINESE TEXT – TEXTE CHINOIS]

南非共和国政府和中华人民共和国政府
关于在矿产和能源领域开展合作的协议

南非共和国政府和中华人民共和国政府（以下统称“双方”，对任一方称“一方”）

鉴于南非 - 中国国家双边委员会在促进双方在矿产和能源领域合作的作用；

考虑到双方在上述领域的合作符合双方社会、经济和环境利益；

并考虑到这一合作将推动两国友好关系的发展；

双方一致同意：

第一条 合作目的

在平等互利基础上，并考虑两国的实际情况和在上述领域各自拥有的专业经验及两国具备合作的机会，双方将致力于推动两国在矿产和能源领域合作的发展。

第二条 合作内容

一、双方将通过以下方式，推动在矿产领域的投资与合作：

（一）交流有关矿产领域投资、矿业项目、商业化开发和市场机会的信息；

（二）鼓励双方感兴趣的机构共同研究、开发南非和中国境内及其他双方感兴趣的国家的矿产资源；

（三）共同参加旨在吸引对两国境内矿产资源进行勘探和开发方面投资的会议和展览；

（四）加强两国矿产领域的人员培训和技术交流；

（五）其他经双方同意的合作方式。

二、双方将通过以下方式，推动在能源领域的投资与合作：

（一）交流有关信息，包括各自的总体能源政策和战略、优先发展的能源领域、制度安排、监管框架、技术转让、研究开发、建立数据库和能源技术商业化方面的信息；

（二）促进两国企业在以下领域的合作项目：

1、电力生产、传输和商业化；

2、煤炭开发与利用；

3、天然气、原油的勘探与生产；

4、石油领域工业设施的建设和维护；

（三）安排负责制定与执行国家能源政策的人员及技术专家的互访；

- (四) 培训和培养两国能源领域的专家;
- (五) 共同参加旨在吸引对两国能源领域投资的会议和展览;
- (六) 相互合作、协助, 制定有关能源的法律、规章和政策;
- (七) 相互交流在组织和建立能源监管机构方面的经验;
- (八) 鼓励双方感兴趣的机构在建设和维护能源基础设施及应用能源技术方面开展合作项目;
- (九) 加强两国能源领域的人员培训和技术交流;
- (十) 经双方同意的其他与能源有关的合作。

第三条 主管机构

一、南非共和国矿产和能源部和中华人民共和国国家发展和改革委员会分别作为双方负责本协议达成的各项合作计划的主管机构。

二、主管机构将负责确定项目计划和执行单位、回顾进展情况、评价结果并考虑有助于推动双边合作的其他任何方面的情况。

三、为执行本协议的条款, 主管机构应定期在南非共和国和中华人民共和国轮流召开会议, 或按双方协商一致的条件召开会议。

第四条 工作组

一、为共同开展合作计划，以及执行和分析本协议第二条所涉及领域的有关工作，双方主管机构将建立工作组沟通机制。

二、工作小组的会议议程、时间和地点将由双方协商确定。

第五条 费用

双方各自承担其成员参与本协议项下所有合作项目、以及执行机构或工作小组会议的全部费用。

第六条 报告发布

一、在本协议项下开展的专项合作项目的成果，在尚未公开之前，双方应负责保密。

二、如果一方希望与第三方共享有关全部或部分的成果，必须事先获得另一方的书面同意。

三、只有获得双方书面同意后，本协议项下开展的专项合作项目的成果才可公布。

第七条 争议解决

双方在解释和执行本协议过程中产生的争议，应通过双方友好协商和谈判解决。

第八条 生效

本协议自签字之日起生效。

第九条 修改

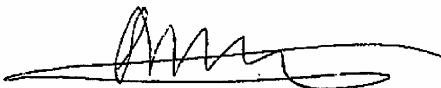
双方通过外交途径以书面形式征得对方同意后，本协议可以修改。

第十条 期限和终止

本协议有效期 5 年，如在本协议期满前 3 个月，缔约任何一方未通过外交渠道以书面形式通知另一方终止本协议，则本协议自动延长 5 年，并依此顺延。

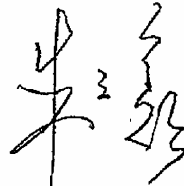
下列签字人经各自政府授权，签署本协议，特此证明。

本协议于二〇〇七年九月二十四日在北京签订，一式两份，每份都用英文、中文写成，两种文本同等作准。



南非共和国政府

代表



中华人民共和国政府

代表

[ENGLISH TEXT – TEXTE ANGLAIS]

The Government of the Republic of South Africa and the Government of the Peoples Republic of China (hereinafter jointly referred to as the "Parties" and in the singular as a "Party");

CONSCIOUS of the role of the South Africa –China Binational Commission in promoting co-operation between the Parties in the Minerals and Energy sector;

CONSIDERING that bilateral co-operation in the above mentioned sectors shall be of mutual social, economic and environmental benefit to both Parties;

FURTHER CONSIDERING that such co-operation will enhance and promote the development of existing friendly relations between the two countries;

HEREBY AGREE as follows:

ARTICLE 1
Objectives

The Parties shall endeavor to promote the development of co-operation in the minerals and energy sectors between the two countries on the basis of equality and mutual benefit, taking into account the circumstances and experience of specialists in the two countries and the possibilities for cooperation available in each country.

ARTICLE 2
Scope

- (1) The Parties shall endeavor to promote investment and co-operation in the minerals sector by means of-
 - (a) exchange of information on investment in the minerals sector, mining projects and commercialization and marketing potential;
 - (b) promotion of joint projects by interested organizations of the Parties on studying and developing mineral deposits in their respective territories and other countries of mutual interest;
 - (c) joint participation in workshops, conferences and exhibitions aimed at attracting investment in exploration and exploitation of mineral deposits in the territories of both countries;

- (d) Promotion of training, exchange of skills and technical know how in the minerals sector between the two countries; and
 - (e) any other form of co-operation as may be agreed to by the Parties from time to time;
- (2) The Parties shall endeavor to promote investment and co-operation in the energy sector by means of-
- (a) exchange of information pertaining to the Parties' overall energy policies and strategies, energy priority sectors, institutional arrangements, regulatory frameworks, technology transfer, research and development, establishment of databanks and commercialization of energy technologies;
 - (b) promoting the co-operative projects of both countries' enterprises in the following fields:
 - (i) Production, transportation and commercialization of electricity;
 - (ii) Development and utilization of coal;
 - (iii) Gas and crude oil exploration and production;
 - (iv) Building and maintenance of industrial facilities in the petroleum sector;
 - (c) exchange visits by policy-makers and technical experts responsible for the development and implementation of national energy policies;
 - (d) training and development of specialists in the energy sectors of both countries;
 - (e) joint participation in workshops, conferences and exhibitions aimed at attracting investment in the energy sectors of both countries;
 - (f) co-operation and assistance for the development of energy laws, regulations and policies;
 - (g) exchange of experiences in the organization and establishment of regulatory and management agencies for the energy sector;
 - (h) promotion of joint projects by the interested organizations of the Parties on the erection and maintenance of energy infrastructure and on the application of energy technologies;
 - (i) promotion of training, exchange of skills and technical know how in the energy sector between the two countries; and

- (j) any other form of energy related co-operation as may be agreed to by the parties from time to time;

ARTICLE 3
Competent Authorities

- (1) The Department of Minerals and Energy of the Republic of South Africa and the National Development and Reform Commission of the People's Republic of China shall be the respective competent authorities responsible for co-ordinating all programmes of cooperation entered into under this Agreement.
- (2) The competent authorities shall be responsible for the identification of programmes, implementing agencies, review of progress, the evaluation of results and the consideration of any other aspects relevant to the promotion of bilateral co-operation.
- (3) For the purpose of implementing the provisions of this Agreement, the competent authorities shall, where appropriate, hold meetings periodically in the Republic of South Africa and the People's Republic of China alternately or as the Parties may agree.

ARTICLE 4
Working Groups

- (1) The competent authorities shall, where appropriate, establish a communicating mechanism of Working Groups for the purposes of joint development of plans for co-operation as well as implementation and analysis of the work to be performed in the areas referred to in Article 2.
- (2) The agenda, time and place of meetings of these working groups shall be agreed upon by the Parties.

ARTICLE 5
Expenses

Each Party shall bear all expenses of its participants in all programmes of co-operation and in meetings of implementing agencies or working groups contemplated under this Agreement.

ARTICLE 6
Publications of Reports

- (1) The outcome or results of specific programmes of co-operation carried out under this Agreement, and which are not yet in the public domain, shall be kept confidential by the Parties.
- (2) If a Party wishes to share the results or any part thereof with a third party, prior written consent of the other Party must be obtained.
- (3) The outcome or results of specific programmes of co-operation carried out under this Agreement may be published only with the prior written consent of the Parties.

ARTICLE 7
Settlement of Disputes

Any dispute between the Parties arising out of the interpretation and implementation of this Agreement shall be settled amicably through consultation or negotiations between the Parties.

ARTICLE 8
Entry into Force

This Agreement shall enter into force on the date of signature hereof.

ARTICLE 9
Amendment

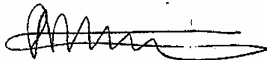
This Agreement may be amended by mutual consent of the Parties through an Exchange of Notes between the Parties through the diplomatic channel.

ARTICLE 10
Duration and Termination

This Agreement shall remain in force for a period of five years, where after it shall be automatically renewed for successive periods of five years, unless terminated by either Party by giving three months written notice in advance through the diplomatic channel of its intention to terminate this Agreement.

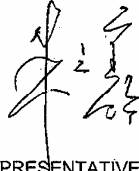
IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Agreement in two originals, in the English and Chinese languages, all texts being equally authentic.

DONE in Beijing on this 24th day of September, 2007.



REPRESENTATIVE

THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA



REPRESENTATIVE

THE GOVERNMENT OF THE PEOPLE'S
REPUBLIC OF CHINA