

No. 50298*

**South Africa
and
Botswana**

Agreement between the Government of the Republic of South Africa and the Government of the Republic of Botswana regarding the establishment of a joint permanent commission for co-operation (with declaration of intent, Pretoria, 26 October 2000). Gaborone, 11 March 2003

Entry into force: *11 March 2003 by signature, in accordance with article 4*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *South Africa, 11 December 2012*

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**Afrique du Sud
et
Botswana**

Accord entre le Gouvernement de la République sud-africaine et du Gouvernement de la République du Botswana concernant l'établissement d'une commission permanente collective pour la coopération (avec déclaration d'intention, Pretoria, 26 octobre 2000). Gaborone, 11 mars 2003

Entrée en vigueur : *11 mars 2003 par signature, conformément à l'article 4*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 11 décembre 2012*

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[ENGLISH TEXT – TEXTE ANGLAIS]

PREAMBLE

The Government of the Republic of South Africa and the Government of the Republic of Botswana (hereinafter referred to in the singular as "the Party" and in the plural as "the Parties ");

BEARING IN MIND the objectives and the spirit of the Charter of the United Nations, the Constitutive Act of the African Union and the Treaty of the Southern African Development Community;

AWARE of the common aspirations of their respective peoples for political, economic, social and cultural development;

RECOGNISING their desire to strengthen and consolidate the existing political, economic, social and cultural relations;

RECALLING the Declaration of Intent signed between the Parties on 26 October 2000 regarding the commitment to engage in political dialogue, and to consult, co-ordinate and co-operate on issues of mutual bilateral and multilateral interest;

DESIROUS of developing comprehensive co-operation based on sovereign equality and mutual benefit between the two States with the aim of raising the living standards of their peoples;

HEREBY AGREE as follows :

**ARTICLE 1
ESTABLISHMENT OF A JOINT PERMANENT COMMISSION ON
CO-OPERATION**

1. The Parties hereby establish a Joint Permanent Commission on Co-operation (hereinafter referred to as "the Commission")
2. The Commission shall be composed of Ministers of the two Parties with responsibilities for the agreed areas of co-operation;
3. The Commission may, if deemed necessary,

- (a) include Premiers of South African provinces bordering the Republic of Botswana; and
 - (b) consider the inclusion in its meetings of Premiers of South African provinces not bordering the Republic of Botswana.
4. (a) The Commission may form ad-hoc specialised committees (including District Liaison Committees) of National, Provincial or District experts as it may deem necessary in the execution of its duties.
- (b) The Commission may invite public and private institutions, international and Regional organisations as well as third countries to participate in the implementation of sectoral programmes and projects agreed to under this Agreement.

ARTICLE 2 FUNCTIONS OF THE COMMISSION

The Commission shall have, inter alia, the following functions:

- (a) exchanging ideas and consulting on bilateral and multilateral issues of mutual interest to both Parties;
- (b) planning and implementation of bilateral programmes of co-operation; and
- (c) furthering co-operation and, where necessary, undertaking or commissioning studies and surveys in fields of common interest such as:
 - (i) agriculture and livestock;
 - (ii) water affairs;
 - (iii) mining and tourism;
 - (iv) environmental co-operation;
 - (v) monetary and financial arrangements;
 - (vi) transportation, roads and other infrastructure development;
 - (vii) health, culture, education and development and utilisation of human resources;
 - (viii) joint development and utilisation of natural resources and energy;
 - (ix) migration;

- (x) communication in the fields of telecommunication, broadcasting and posts;
- (xi) any other areas that the commission may identify as beneficial.

ARTICLE 3
MEETINGS, VENUES AND PROCEDURES

- 1.(a) The Commission shall meet once every two years, in an ordinary session.
 - (b) The Commission may hold extraordinary sessions upon specific request by a Party. The Party requesting the convening of such a session shall host it.
 - (c) The Commission shall meet alternately in the Republic of South Africa and the Republic of Botswana.
2. The Commission shall determine its own rules of procedure and the manner in which it shall conduct its business;
 3. The agenda for each meeting shall be agreed upon by the Parties through the diplomatic channels at least one month before each meeting and shall be adopted at the beginning of the first session.
 4. Decisions and other conclusions of the Commission shall take the form of agreed minutes.
 5. Travelling and accommodation expenses of the participants to any meeting or session of the Commission, or its specialised committees, working groups or interim bodies, shall be borne by the countries of such representatives, on the understanding that the host country shall provide local transport, stationery and secretarial services during the meeting.

**ARTICLE 4
ENTRY INTO FORCE, VALIDITY AND TERMINATION**

1. This Agreement shall enter into force upon the date of signature thereof.
2. This Agreement shall be valid for a period of five (5) years after entry into force.
3. This Agreement shall be renewed automatically for successive periods of five (5) years unless terminated by either Party in terms of Article 4 (4).
4. This Agreement may be terminated by either Party giving one (1) year written notice in advance through the diplomatic channels of its intention to terminate it.

**ARTICLE 5
AMENDMENT**

The Agreement may be amended by mutual consent of the Parties through an exchange of notes between Parties through the diplomatic channels.

**ARTICLE 6
SETTLEMENT OF DISPUTES**

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

**ARTICLE 7
CONCURRENT AGREEMENTS**

This Agreement shall not derogate from the provisions of any other agreement to which the Parties are a party and shall accordingly not detract from any rights obtained or obligations assumed by virtue thereof.

IN WITNESS WHEREOF, the undersigned being duly authorised thereto by their respective Governments, have signed and sealed this Agreement, in duplicate in the English language, both texts being equally authentic.

Done at *GABORONE* on this ...*11th*... day of ...*March*..... 2003.

Ncwuma

Nkosazana Dlamini-Zuma, M.P.
**FOR THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA**

Moalea

Mompoti S. Merafhe, M.P.
**FOR THE GOVERNMENT OF THE
REPUBLIC OF BOTSWANA**

DECLARATION OF INTENT BETWEEN THE DEPARTMENT OF FOREIGN AFFAIRS OF THE REPUBLIC OF SOUTH AFRICA AND THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF BOTSWANA

The Department of Foreign Affairs of the Republic of South Africa and the Ministry of Foreign Affairs of the Republic of Botswana -

HAVING regard to the friendly relations and close cooperation between the two countries,

DESIROUS of further deepening the ties between the two countries

HEREBY declare their intention to initiate consultations on the conclusion of an Agreement on Establishment of a Political Consultation Mechanism between them without delay.

The aim of such an agreement would be to further enhance and strengthen the friendly relations and co-operation that already exist between the two countries through *inter alia* co-ordination and consultation on issues of common interest to both countries.

This Declaration of Intent shall take effect upon the date of signature thereof.

DONE at PRETORIA on 26th October 2000 in two originals in the English language.

Neuma
.....
For the Department of Foreign Affairs
of the Republic of South Africa

Alleg
.....
For the Ministry of Foreign Affairs
of the Republic of Botswana