

**No. 45301\***

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**Democratic Republic of the Congo, South Africa  
and  
United Nations (United Nations Office on Drugs and Crime)**

**Memorandum of understanding between the Government of the Republic of South Africa and the Government of the Democratic Republic of the Congo and the United Nations Office on Drugs and Crime on co-operation in the area of anti-corruption (with annex). Kinshasa, 18 February 2008**

**Entry into force:** 18 February 2008 by signature, in accordance with article 10

**Authentic texts:** English and French

**Registration with the Secretariat of the United Nations:** *ex officio*, 15 September 2008

*\*The texts reproduced below are the original texts of the agreement as submitted. For ease of reference, they were sequentially paginated. The relevant Treaty Series volume will be published in due course.*

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**République démocratique du Congo, Afrique du Sud  
et  
Organisation des Nations Unies (Office des Nations Unies  
contre la drogue et le crime)**

**Protocole d'accord de coopération entre le Gouvernement de la République d'Afrique du Sud et le Gouvernement de la République démocratique du Congo et l'Office des Nations Unies contre la drogue et le crime dans le domaine de la lutte contre la corruption (avec annexe). Kinshasa, 18 février 2008**

**Entrée en vigueur :** 18 février 2008 par signature, conformément à l'article 10

**Textes authentiques :** anglais et français

**Enregistrement auprès du Secrétariat des Nations Unies :** *d'office*, 15 septembre 2008

*\*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. Le volume correspondant du Recueil des Traités sera disponible en temps utile.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]



**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE GOVERNMENT OF THE REPUBLIC OF  
SOUTH AFRICA**

**AND**

**THE GOVERNMENT OF THE DEMOCRATIC  
REPUBLIC OF THE CONGO**

**AND**

**THE UNITED NATIONS OFFICE ON DRUGS  
AND CRIME**

**ON**

**CO-OPERATION IN THE AREA OF ANTI-  
CORRUPTION**

**PREAMBLE**

The Government of the Republic of South Africa, the Government of the Democratic Republic of the Congo and the United Nations Office on Drugs and Crime (hereinafter jointly referred to as the “Parties” and in the singular as a “Party”);

**FOLLOWING** the request of the President of the Democratic Republic of the Congo to the President of the Republic of South Africa regarding support to stabilize the Democratic Republic of the Congo (hereinafter referred to as “the DRC”), to build confidence in the State, to develop a good governance framework and in particular to support the establishment of an anti-corruption framework for the DRC;

**RECOGNISING** the fundamental pre-requisites of strengthening public administration, rule of law and good governance for reconstructing countries in post-conflict situations;

**DESIROUS** to co-operate with the aim of strengthening and enhancing the capacity of the DRC to improve the timeliness, quality, cost and coverage of the services delivered to the public through the prevention and combating of corruption;

**EMPHASIZING** the need for the government of the DRC to establish conditions that will enable support to the DRC and that collaboration between the United Nations Office on Drugs and Crime (hereinafter referred to as “UNODC”), the Republic of South Africa (hereinafter referred to as “South Africa”) and the DRC will be reviewed, in the context of the DRC’s commitment to peace and stability in the Great Lakes Region as well as the DRC’s process of democratization and an increased respect for human rights;

**AGREEING** to collaborate in preventing and combating corruption within the strategic focus areas as contained herein and based on the surveys already conducted on the anti-corruption capability in the DRC;

**AGREEING** that the nature and modalities of collaboration and partnership will be set out in project agreements between the Parties;

**HEREBY AGREE** as follows:



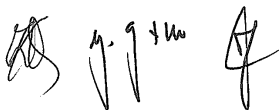
**ARTICLE 1**  
**Competent Authorities**

The competent authorities responsible for the implementation of this Memorandum of Understanding (hereinafter referred to as "this MOU") shall be -

- (a) for the UNODC, the UNODC Regional Office for Southern Africa;
- (b) for the Government of the DRC, the Ministry of Public Service; and
- (c) for the Government of South Africa, the Ministry for the Public Service and Administration

**ARTICLE 2**  
**Scope and conditions of co-operation**

- (1) The Parties will collaborate in the area of anti-corruption, subject to the availability of funds and project agreements for any specific activities to be undertaken within the framework of this MOU. Any such activities shall also be subject to the applicable law in force, and to the mandate of UNODC and regulations and rules of the United Nations.
- (2) The strategic focus areas of this MOU, for which activities are set out in the Annex, are as follows:
  - a) updating and implementation of the national anti-corruption strategy;
  - b) refining the anti-corruption regulatory framework;
  - c) enhancing the anti-corruption capacity of investigators and prosecutors, and the training of presiding officers in respect of the revised anti-corruption legislation; and
  - d) increasing awareness of and mobilization against corruption by civil society, the business sector, the media and the public sector.
- (3) For the effective co-ordination of the programmes referred to in sub-Article (2), each Party shall designate a person or an organisation to act as its co-ordinator.
- (4) Each project to be undertaken in accordance with the provisions of this MOU shall be subject to the conclusion of a project agreement among the Parties, which project agreement shall *inter alia* deal with the responsibilities of each Party, the financial and administrative arrangements and the details of each Party's designated co-ordinator for that specific project.



**ARTICLE 3**  
**Working Group**

- (1) A Working Group on Anti-Corruption (hereinafter referred to as the "Working Group"), responsible for the implementation of co-operation, is hereby established.
- (2) The Working Group shall consist of an equal number of representatives of each country, nominated by their respective competent authorities. The competent authorities shall agree on the number of representatives.
- (3) The Working Group may also invite experts or other persons to attend their meetings for specific purposes, as the competent authorities may agree upon.
- (4) The Working Group shall meet at least annually and the meeting shall be held by rotation in Vienna, Democratic Republic of Congo and South Africa.
- (5) Secretarial assistance, organisational support and reporting for the Working Group shall be provided by the host Party.
- (6) The Party which presided over the last meeting of the Working Group shall be responsible for the preparation of the minutes for that meeting and the co-ordination and liaison, including preparation of the agreed agenda, for its next meeting. Each competent authority shall designate a nodal point for co-ordination and liaison for the work of the Working Group.
- (7) The Working Group shall regularly publish its reports on the trilateral website.

**ARTICLE 4**  
**Implementation of Co-operation**

- (1) The Working Group shall, in writing, agree on a programme of action setting out the areas of co-operation under this MoU and identify specific activities for each area of co-operation.
- (2) The Working Group shall set up procedures of implementation and supervision of the programme of action.
- (3) The Working Group may establish one or more task teams to implement, under its supervision and direction, any aspect of the programme of action.
- (4) The Working Group shall at each meeting review the progress of implementation of the programme of action and submit a report to the competent authorities.
- (5) The meetings of the Working Group shall review the areas of co-operation and submit a report to the competent authorities.