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**South Africa
and
Belgium**

General Agreement on development co-operation between the Government of the Republic of South Africa and the Government of the Kingdom of Belgium. Durban, 8 July 2002

Entry into force: *17 October 2006 by notification, in accordance with article 11*

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**Afrique du Sud
et
Belgique**

Accord général de coopération au développement entre le Gouvernement de la République sud-africaine et le Gouvernement du Royaume de Belgique. Durban, 8 juillet 2002

Entrée en vigueur : *17 octobre 2006 par notification, conformément à l'article 11*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**GENERAL AGREEMENT ON DEVELOPMENT CO-OPERATION BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA
AND THE GOVERNMENT OF THE KINGDOM OF BELGIUM**

PREAMBLE

The Government of the Republic of South Africa, hereinafter referred to as "South Africa" and the Government of the Kingdom of Belgium, hereinafter referred to as "Belgium", hereinafter jointly referred to as the "Parties" and separately as a "Party".

DETERMINED to intensify relations of partnership and co-operation which the Parties intend to develop on the basis of mutual respect, sovereignty and equality of both nations, in the pursuit of sustainable and harmonic development, beneficial to all the population and particularly to the poorest of their rural and urban zones;

AWARE of the need to provide a political and legal framework for their co-operation, based on mutual respect, dialogue and shared responsibility;

IN ACCORDANCE with the Constitutions of the Parties;

HEREBY AGREE as follows:

**ARTICLE 1
OBJECTIVE OF THE AGREEMENT**

The objective of this Agreement is to provide a political, institutional and legal framework for development co-operation between the Parties.

**ARTICLE 2
OBJECTIVES OF THE DEVELOPMENT CO-OPERATION**

- (1) The purpose of the co-operation between the Parties is to further sustainable human development, within the framework of their respective domestic law and taking into account their international obligations as well as the Agreements between the European Union and the Republic of South Africa.
- (2) For the purpose of subArticle(1)the co-operation shall aim at-
 - (a) fighting poverty;
 - (b) promoting partnership between the people of the Kingdom of Belgium and the people of the Republic of South Africa;
 - (c) promoting democracy, the rule of law, the role of civil society and good governance;

- (d) enhancing respect for human dignity, human freedom and human rights including environmental rights;
 - (e) combating all forms of discrimination based on social or ethnic elements or on religion, philosophy or gender.
- (3) The Parties intend to co-operate closely in order to ensure transparency, accountability and integrity in the use of public resources and eliminate any opportunities that may exist for corrupt practices in their international co-operation.

ARTICLE 3 INDICATIVE DEVELOPMENT CO-OPERATION PROGRAMME

- (1) The co-operation between the Parties shall be given shape in an Indicative Development Co-operation Programme, which shall be jointly defined by the Joint Committee contemplated in Article 4.
- (2) The objectives of the Indicative Development Co-operation Programme shall comply with the development plans of South Africa and with the objectives referred to in Article 2.
- (3) The Indicative Development Co-operation Programme shall be in the common priority sectors and themes and they shall aim at -
- (a) strengthening institutional and managerial capabilities by entrusting a growing role to local management and local implementation;
 - (b) assuring technical and financial viability after the end of Belgian funding; and
 - (c) using an efficient and effectual implementation method which puts the decision-making authority as close as possible to the target groups.

ARTICLE 4 JOINT COMMITTEE

- (1) A Joint Committee of representatives of both Parties shall be established, which shall -
- (a) propose and establish the Indicative Development Co-operation Programme referred to in Article 3; and
 - (b) monitor and assess their implementation and amend them, if necessary.

- (2) The Joint Committee shall meet, at the Senior Official level at least once a year alternately in the Kingdom of Belgium and in the Republic of South Africa or at the request of one of the Parties.

ARTICLE 5

DEVELOPMENT CO-OPERATION ACTIVITIES

- (1) The Indicative Development Co-operation Programme shall be concretised in specific co-operation activities. The contribution of Belgium may consist of technical co-operation, training, studies, grants in kind or in funds including loans, sharetakings, debt alleviation or a combination of these.
- (2) Co-operation activities shall be prepared, planned and implemented in accordance with an integrated and goal-oriented management cycle composed of four phases namely identification, formulation, implementation and evaluation.
- (3) The identification of each co-operation activity shall be the result of a consultative process between the Parties. South Africa shall have the responsibility of identifying the co-operation activities.
- (4) In order to ensure that each co-operation activity is well adapted to the capabilities and the needs of the beneficiaries, a participative approach shall be strictly observed, for which purpose joint local consultative bodies shall be set up.
- (5) Before the start of its implementation phase, each co-operation activity shall be given a legal basis by a Specific Agreement entered into by the Parties.
- (6) A Specific Agreement contemplated in subArticle (5) shall stipulate, with regard to the co-operation activity concerned, and depending on the chosen implementation method, at least the following:
 - (a) the objectives;
 - (b) the implementation mechanisms and deadlines;
 - (c) the rules on how to use and to transfer funds, if any;
 - (d) the rules on procurement and transfer of equipment, if any;
 - (e) the rights, responsibilities and obligations of all Parties involved;
 - (f) the modalities of reporting, monitoring and control; and
 - (g) the characteristics and terms of reference of the joint local consultative body for the co-operation activity concerned.

ARTICLE 6 IMPLEMENTING INSTITUTIONS

- (1) For South Africa, the National Treasury shall be the co-ordinating institution for the purposes of this Agreement. The National Treasury shall inform the Kingdom of Belgium through the Diplomatic Channel, which institutions will be the executing authorities for the Indicative Development Co-operation Programme mentioned in Article 3.
- 2(a) For the general implementation of this Agreement, Belgium shall be represented by the Belgian Embassy in Pretoria. Within this Embassy, the Counsellor for International Co-operation is in charge of all matters relating to development co-operation.
- (b) In principle Belgium shall entrust the implementation of its obligations during the formulation and implementation phase referred to in Article 5(2), exclusively to the "Belgian Technical Co-operation (BTC)", a Belgian public law company with social purposes.

Belgium shall conclude with the BTC agreements by which the BTC undertakes to respect the specific agreements referred to in Article 5(5)

- (3) If the nature of the co-operation activities requires such, their implementation may be entrusted, either by the Minister responsible for co-operation, or by the BTC, to specialised organisations.
- (4) In certain cases and subject to notification by the Belgian Counsellor for International Co-operation in South Africa, the identification phase of a co-operation activity may be entrusted to the BTC.

ARTICLE 7 PRIVILEGES AND IMMUNITIES OF PERSONNEL

Privileges and Immunities of Personnel shall be governed by the Agreement regulating Technical Assistance between the Government of South Africa and the Government of Belgium.

ARTICLE 8 CONTROL (MONITORING) AND EVALUATION

The Parties shall take all necessary administrative and budgetary measures necessary to achieve the objectives of the specific Agreements pursuant to this general Agreement. To that end, the Parties shall carry out, together or separately, any controls and evaluations, whether internal or external, which they may consider useful. However each Party shall inform the other of any controls and evaluations which it intends to carry out separately.