

No. 52226*

**South Africa
and
Cuba**

Agreement between the Government of the Republic of South Africa and the Government of the Republic of Cuba on co-operation in the fields of water resources management and water supply. Johannesburg, 9 September 2013

Entry into force: *8 May 2014 by notification, in accordance with article 11*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *South Africa, 8 October 2014*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Afrique du Sud
et
Cuba**

Accord entre le Gouvernement de la République sud-africaine et le Gouvernement de la République de Cuba relatif à la coopération dans les domaines de la gestion des ressources hydriques et de l'approvisionnement en eau. Johannesburg, 9 septembre 2013

Entrée en vigueur : *8 mai 2014 par notification, conformément à l'article 11*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 8 octobre 2014*

** Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

BETWEEN

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

AND

**THE GOVERNMENT OF
THE REPUBLIC OF CUBA**

**ON CO-OPERATION IN THE FIELDS OF WATER
RESOURCES MANAGEMENT AND WATER
SUPPLY**

PREAMBLE

The Government of the Republic of South Africa and the Government of the Republic of Cuba (hereinafter jointly referred to as "Parties" and separately as a "Party");

RECOGNIZING the cordial relations and friendship existing between the Parties;

AWARE that the mutual exchange of ideas and knowledge can strengthen the relationship of friendship and collaboration in the sphere of water resources, especially in matters regarding water resources management and water supply for the benefit of citizens that live in the rural areas of the Republic of South Africa;

HEREBY AGREE as follows:

ARTICLE 1 SCOPE

The Parties shall promote and develop co-operation in the fields of water resource management and water supply within their respective jurisdictions on the basis of equality and mutual benefits, including the employment of Cuban specialists in the Republic of South Africa.

ARTICLE 2 COMPETENT AUTHORITIES

The competent authorities responsible for the implementation of this Agreement shall be—

- (a) in the case of the Republic of South Africa, the Department of Water Affairs (hereinafter referred to as "the Department"); and
- (b) in the case of the Republic of Cuba, the National Institute of Water Resources, (hereinafter referred to as the "INRH"), as the institution responsible for the execution of activities arising from this Agreement.

**ARTICLE 3
AREAS OF COOPERATION**

- (1) The Parties shall co-operate in the following areas:
- (a) geo-hydrology and engineering services in rural and other disadvantaged areas where such services are inadequate;
 - (b) exploitation of the available water resources;
 - (c) infrastructure for water supply;
 - (d) capacity building through training and support of local staff; and
 - (e) water management and water supply.
- (2) The co-operation in the abovementioned spheres shall be implemented through the secondment of specialists from the Republic of Cuba, through the INRH, to the Department in order to assist the Department in its regional offices as well as its Head Office.

**ARTICLE 4
SECONDMENT OF SPECIALISTS**

- (1) The specialists seconded under this Agreement shall enter into contracts of service with the Department, which shall specify at least the following information:
- (a) The position to which the specialist is seconded;
 - (b) the salary and the notch on which the specialist shall be appointed as provided for in Article 8;
 - (c) the duration of the secondment shall be two (2) years with the possibility of extending it to three (3) years; and
 - (d) the areas within the specified region in which the specialist is required to render service and which shall be determined after consultation with the Embassy of the Republic of Cuba in the Republic of South Africa.
- (2) The secondment of a specialist and the subsequent contract of service under this Agreement shall be subject to the domestic law in force in the territory of the Republic of South Africa and Cuban migration laws.
- (3) A seconded specialist shall observe and be bound by all internal rules applicable to the institution or region where the specialist is required to render services.
- (4) A specialist shall be seconded to the public sector only.
- (5) The Parties reserve the right to recall or replace any specialist following notification by the other Party, with at least thirty (30) days notice.

- (6) The Party initiating the recalling or replacement of the specialist shall, subject to paragraph (5), bear the expenses incurred for such specialist's return.
- (7) When the recalling or replacement of a specialist is due to proven incompetence or non-compliance of rules and regulations as confirmed by both Parties, the Government of the Republic of Cuba shall pay the expenses for the return of the specialist to the Republic of Cuba.
- (8) The service contract with the Department may also include such other provisions that the Parties may wish to include.

ARTICLE 5
RESPONSIBILITIES OF THE GOVERNMENT OF THE REPUBLIC OF CUBA

The Government of the Republic of Cuba shall—

- (a) guarantee that the specialists selected for the fulfilment of what was contained in the terms of reference shall meet the requirements requested by the Department with regard to their technical qualifications, including the knowledge of the English language and the possession of drivers' licences;
- (b) forward to the Department the *curriculae vitae*, certified summary of the academic qualifications, water sector knowledge and practical experience of the specialists and copies of their original drivers' licences, translated into English;
- (c) provide the selected specialists with their passports and any other documents that may be required, pursuant to the migration laws in force;
- (d) cover the relevant expenses in case of the replacement of specialists for reasons not attributable to the Department; and
- (e) guarantee that the specialists shall fulfil the requirements contained in the domestic law in force in the territory of the Republic of South Africa and the professional standards established in the Republic of South Africa for the relevant fields of specialisation.