

**AGREEMENT BETWEEN THE**

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

**AND**

**THE GOVERNMENT OF THE KINGDOM OF**  
**SWAZILAND**

**ON THE ESTABLISHMENT OF A JOINT**  
**BILATERAL COMMISSION FOR**  
**COOPERATION**

## **PREAMBLE**

The Government of the Kingdom of Swaziland and the Government of the Republic of South Africa (hereinafter jointly referred to as “the Parties” and in the singular as a “Party”);

**RECOGNIZING** the historical links and geographic proximity that bind both countries;

**BEING MUTUALLY DESIROUS** of consolidating and developing a special relationship, which will guide the strategic partnership and enhance economic and social development, multilateral cooperation, democracy, human rights and good governance between the two countries;

**GUIDED** by the historical, geographical and cultural relations between the people of both countries;

**CONSCIOUS** of the necessity to promote sustainable development, peace and security in their respective countries and on the African continent in general;

**PROMPTED** by their commitment to the universal norms of human rights, democracy, the rule of law which are the objectives and principles of the United Nations, the African Union, SADC and the Harare Declaration;

**HEREBY AGREE** as follows:

### **Article 1 ESTABLISHMENT OF THE JOINT BILATERAL COMMISSION FOR COOPERATION**

The Parties hereby establish a Kingdom of Swaziland - Republic of South Africa Joint Bilateral Commission for Cooperation (hereinafter referred to as “the Commission”)

### **Article 2 OBJECTIVES OF THE COMMISSION**

The key objectives of the Commission are to-

- (1) guide the strategic partnership between the Parties;
- (2) promote economic and social development, multilateral cooperation, democracy, human rights and good governance in the two countries;
- (3) promote cooperation in the field of health, science and technology; language technology, archiving, arts, education, film and heritage;
- (4) strengthen cooperation in the provision of mutual legal assistance in criminal and civil matters;

- (5) promote democratic, credible and effective leadership, development of a strong civil society and respect for universal human rights and the rule of law within the two countries;
- (6) facilitate movement of people, goods and services between the two countries by ensuring user – friendly border posts;
- (7) facilitate mechanisms or fora for dialogue or discussion of issues which may not be specifically covered by this agreement, but which may be of concern to one or both parties.
- (8) maintain security and stability between the two countries and general stability in the Southern African region through respect for the principles enunciated in the Constitutive Act of African Union, the Harare Declaration of 1991 and the SADC Treaty.

**Article 3**  
**GUIDING PRINCIPLES OF THE COMMISSION**

The Commission shall be guided by the following principles:

- (1) respect for each other's sovereignty and territorial integrity;
- (2) good neighbourliness and non-interference in each other's internal affairs;
- (3) economic development and cooperation and regional integration, and;
- (4) social development and cooperation.

**Article 4**  
**COMPOSITION OF THE COMMISSION**

The Commission shall be organised at the level of Ministers of Foreign Affairs, other Ministers and Senior Officials of Departments/Ministries involved with the substance and agenda at any given time.

**Article 5**  
**PURPOSE OF THE COMMISSION**

The purpose of the Commission shall be to:

- (a) review the progress made in the implementation of this Agreement;
- (b) assess programmes undertaken in furtherance of the objectives of this Agreement; and
- (c) monitor projects embarked upon to ensure their successful implementation.

**Article 6**  
**MEETINGS OF THE COMMISSION**

- (1) The Commission as a whole shall meet at least once a year alternately in Swaziland and South Africa. Unless otherwise decided by the Parties, Ministers of Foreign Affairs shall jointly preside over the meetings.
- (2) Meetings of Senior Government Officials shall be held three times a year and the Director-General of the Department of Foreign Affairs of South Africa and the Principal Secretary of the Ministry of Foreign Affairs and Trade of Swaziland shall jointly preside over such meetings.
- (3) His Excellency the President of the Republic of South Africa and His Majesty the King of Swaziland or in their place, the Deputy President of the Republic of South Africa and the Prime Minister of the Kingdom of Swaziland, may meet as and when necessary to discuss matters of mutual interest.
- (4) The Commission shall draw up its own rules of procedure.
- (5) The date and the agenda of the sessions of the Commission shall be agreed upon by the Parties through their diplomatic channel.

**Article 7**  
**CLUSTERS**

- (1) In order to facilitate the cooperation in terms of this Agreement the Commission may establish clusters in areas including, but not limited to, Economics, Agriculture, Health, Good Governance, Stability and Security. The areas of cooperation dealt with under each cluster will include, but are not limited to, the areas referred to in the Appendix attached hereto.
- (2) The Clusters may meet as and when necessary.
- (3) Representatives of the Public and Private sectors may be invited to participate in the meetings of the Clusters.
- (4) The Clusters shall meet under the leadership of the relevant Ministers and Senior Officials.

**Article 8**  
**DECISIONS OF THE COMMISSION**

The Commission, meeting at Ministerial level, shall take decisions on recommendations referred to it by the Senior Government Officials. Such decisions shall be referred to the respective Clusters for follow-up action and implementation.

**Article 9**  
**SECTOR-SPECIFIC AGREEMENTS**

Sector-specific agreements may be concluded by the Parties within the context of the competency of the Clusters. The latter agreements shall be concluded in accordance with the Parties' constitutional requirements for the conclusion of international agreements.

**Article 10**  
**RECORD OF DELIBERATIONS**

The deliberations of each cluster shall be recorded in minutes for adoption by the Commission as Agreed Minutes.

**Article 11**  
**COORDINATING SECRETARIES**

- (1) The Parties agree that their respective Foreign Affairs Ministry/ Department shall act as Coordinating Secretaries and shall be responsible for the coordination of logistical and administrative arrangements for the sessions of the Commission.
- (2) The Parties agree that each Cluster may establish its own Secretariat responsible for coordinating sector specific issues between the Parties within the context of the powers given to the Cluster. Each Cluster Secretariat shall keep the Coordinating Secretariat informed in writing of its activities from time to time.

**Article 12**  
**FINANCIAL ARRANGEMENTS**

- (1) Each Party shall in respect of all meetings of the Commission be responsible for costs incurred in connection with the attendance and participation of its delegation and of any person included in its delegation as an adviser.
- (2) The Party hosting a meeting of the Commission shall be responsible for all costs incurred in making a venue available for the meeting, for the preparation and distribution of the agenda for the meeting, as well as for the recording and distribution of the minutes.
- (3) Any ancillary costs of the Commission shall be agreed to by the Parties on a case-by-case basis.

**Article 13**  
**SETTLEMENT OF DISPUTES**

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

**Article 14**  
**ENTRY INTO FORCE AND DURATION OF THE AGREEMENT**

- (1) This Agreement shall enter into force on the date of signature thereof.
- (2) This Agreement shall be valid for a period of five years and thereafter may be automatically extended for further periods of five years.

**Article 15**  
**AMENDMENTS TO THE AGREEMENT**

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

**Article 16**  
**TERMINATION OF THE AGREEMENT**

- (1) Either Party may terminate this Agreement by giving six (6) months' advance written notice to the other Party through the diplomatic channel of its intention to terminate this Agreement.
- (2) The termination of this Agreement, its provisions and provisions of any separate agreements made in that respect, shall not affect the completion of any obligations or projects undertaken in terms of this Agreement prior to its termination, unless the Parties agree otherwise.

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

Done at .....on this.....day of .....2004.

\_\_\_\_\_  
**THE GOVERNMENT OF THE  
KINGDOM OF SWAZILAND**

\_\_\_\_\_  
**THE GOVERNMENT  
OF THE REPUBLIC OF  
SOUTH AFRICA**

## APPENDIX

The areas of cooperation referred to in Article 7 for each Cluster can include but are not limited to the following Departments/Ministries/Sectors:

**Social Cluster:** Home Affairs; Labour; Health and Social Development; Education; Arts and Culture; Science and Technology; Local Government; Water Affairs.

**Economic Cluster:** Trade & Industry; Agriculture; Land Affairs; Transport; Communication; Environmental Affairs and Tourism; Labour; Home Affairs; Finance; Revenue Services; Minerals and Energy; Science and Technology; Public Enterprises; Water Affairs; Forestry.

**Stability and Security Cluster:** Defence; Justice and Constitutional Affairs, Police and Correctional Services; Land Affairs; Home Affairs; Intelligence; Foreign Affairs; Revenue Services.

**Governance Cluster:** Provincial and Local Government; Public Service and Administration; Justice and Constitutional Affairs.