

No. 44870 *

**South Africa
and
Permanent Court of Arbitration**

Agreement between the Government of the Republic of South Africa and the Permanent Court of Arbitration regarding the establishment of a regional facility of the Permanent Court of Arbitration for Africa. Pretoria, 17 April 2007

Entry into force: *17 April 2007 by signature, in accordance with article 15*

Authentic texts: *English*

Registration with the Secretariat of the United Nations: *South Africa, 19 March 2008*

**Afrique du Sud
et
Cour permanente d'arbitrage**

Accord entre le Gouvernement de la République d'Afrique du Sud et la Cour permanente d'arbitrage concernant la création d'une installation régionale de la Cour permanente d'arbitrage pour l'Afrique. Pretoria, 17 avril 2007

Entrée en vigueur : *17 avril 2007 par signature, conformément à l'article 15*

Textes authentiques : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 19 mars 2008*

* *The text(s) reproduced below is the original text of the agreement as submitted. For ease of reference, it was sequentially paginated. The final UNTS version of it is not yet available. Le texte (les textes) reproduit ci-dessous est le texte authentique de l'accord tel que soumis pour enregistrement. Pour référence, il a été présenté sous forme de la pagination consécutive. La version finale RTNU n'est pas encore disponible.*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

BETWEEN

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

AND

THE PERMANENT COURT OF ARBITRATION

**REGARDING THE ESTABLISHMENT OF A
REGIONAL FACILITY OF THE PERMANENT
COURT OF ARBITRATION FOR AFRICA**

Preamble

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE PERMANENT COURT OF ARBITRATION

CONSIDERING THAT:

The Permanent Court of Arbitration was established by the 1899 Convention for the Pacific Settlement of International Disputes (the "1899 Convention"), a product of the first Hague Peace Conference, which was convened at the initiative of Czar Nicholas II of Russia, "with the object of seeking the most objective means of ensuring to all peoples the benefits of a real and lasting peace, and, above all, of limiting the progressive development of existing armaments";

As the first global mechanism for the settlement of inter-state disputes, the Permanent Court of Arbitration was created to facilitate immediate recourse to arbitration for countries seeking peaceful resolution of their differences through third party intervention;

The 1899 Convention was refined and revised by the 1907 Convention for the Pacific Settlement of International Disputes (the "1907 Convention"), adopted at the second Hague Peace Conference;

South Africa is a Contracting Party to the 1907 Convention;

In recognition of the Republic of South Africa's support – since the end of the apartheid regime – for the peaceful resolution of disputes in compliance with international law, the Secretary-General of the Permanent Court of Arbitration has offered to the Government of the Republic of South Africa the establishment in its capital of a Regional Facility of the Permanent Court of Arbitration for the resolution of international disputes through arbitration, conciliation/mediation and fact-finding commissions of enquiry for Sub-Saharan Africa;

The Government of the Republic of South Africa has accepted the offer of the Secretary-General of the Permanent Court of Arbitration to establish such a Regional Facility;

HAVE AGREED AS FOLLOWS:

Article 1

The Regional Facility for the Promotion of Dispute Resolution through the Mechanisms of the Permanent Court of Arbitration (hereafter called the "Regional Facility") is hereby established in South Africa to make available information concerning, and facilitate, the resolution of international disputes through arbitration, mediation, conciliation and fact-finding commissions of enquiry and to provide other appropriate assistance to governments, inter-governmental organizations, and other entities located in Sub-Saharan Africa.

For the purposes of the present Agreement:

The **“Government”** shall mean the Government of the Republic of South Africa;

The **“Department of Foreign Affairs”** shall mean the Department of Foreign Affairs of the Republic of South Africa;

The **“Permanent Court of Arbitration”** or **“PCA”** shall mean the Permanent Court of Arbitration, based in The Hague;

The **“International Bureau”** shall mean the International Bureau of the Permanent Court of Arbitration;

The **“Secretary-General”** shall mean the head of the International Bureau;

“Officials of the PCA” shall mean the Secretary-General and all members of the staff of the International Bureau;

The **“Regional Facility”** shall mean the Regional Facility for the Promotion of Dispute Resolution through the Mechanisms of the Permanent Court of Arbitration;

“PCA Proceedings” shall mean any dispute resolution proceedings administered by or under the auspices of the PCA, whether or not pursuant to the 1899 Convention, the 1907 Convention, or any of the PCA’s optional rules of procedure, to the extent that any hearing, meeting, or other activity related thereto takes place within the territory of the host country;

“PCA Adjudicator” shall mean any arbitrator, mediator, conciliator, or member of a commission of inquiry taking part in a hearing, meeting, or other activity in relation to PCA Proceedings;

“Participant in Proceedings” shall mean any witness, expert, counsel, party, agent or other party representative, as well as any interpreters, translators, or court reporters taking part in a hearing, meeting or other activity in relation to PCA Proceedings at or in connection with the Regional Facility;

“Regional Facility Meeting” shall mean any meeting, including conferences, convened by the Regional Facility, the PCA, or under the sponsorship of either;

“UN Convention” shall mean the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946.

Article 2

The Regional Facility is an organ of the Permanent Court of Arbitration, and it is subject to the direction of the Secretary-General. The Regional Facility shall have the legal capacity necessary to fulfill its purposes and objectives.