

No. 46810

**South Africa
and
Finland**

Agreement between the Government of the Republic of South Africa and the Government of the Republic of Finland on Finland's support to the higher education sector in South Africa. Pretoria, 14 December 2004

Entry into force: *14 December 2004 by signature, in accordance with article 13*

Authentic text: *English*

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**Afrique du Sud
et
Finlande**

Accord entre le Gouvernement de la République sud-africaine et le Gouvernement de la République de Finlande relatif à l'appui de la Finlande au secteur de l'éducation en Afrique du Sud. Pretoria, 14 décembre 2004

Entrée en vigueur : *14 décembre 2004 par signature, conformément à l'article 13*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 12 novembre 2009*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

AND

THE GOVERNMENT OF THE REPUBLIC OF FINLAND

ON

**FINLAND'S SUPPORT TO THE HIGHER EDUCATION SECTOR
IN SOUTH AFRICA**

PREAMBLE

The Government of the Republic of South Africa (hereinafter referred to as "South Africa") and the Government of the Republic of Finland (hereinafter referred to as "Finland") (hereinafter also jointly referred to as the "Parties" and in the singular as a "Party");

HAVING taken cognizance of the Agreement on General Terms and Procedures for Development Co-operation between Finland and South Africa, signed on 13 November 2001; and

BASED on consultations on development co-operation held in Helsinki, on 17 - 18 June 2003, between representatives of the Parties;

HEREBY AGREE as follows:

ARTICLE 1

Scope and Objective

- (1) The objective of this Agreement is to regulate Finland's contribution to support the restructuring of the South African higher education system to achieve the goals for transformation as outlined in the Education White Paper 3, a Programme for the Transformation of Higher Education, dated July 1997 (hereinafter referred to as "the Programme").
- (2) The Programme shall be implemented in accordance with the provisions of a working document (hereinafter referred to as the "Programme Document", dated November 2003, which is attached to this Agreement as Annexe A) as well as according to the annual work plans and budgets to be agreed upon between the Parties.
- (3) Finland's support shall consist of financial assistance to the education sector budget as well as institutional support services for the implementation and monitoring of the Programme.

ARTICLE 2

Principles of Co-operation

- (1) Respect for democratic principles, human rights, good governance and the observation of the rule of law shall form the basis for the co-operation between the Parties and constitute an essential element of this Agreement.
- (2) The Programme shall be implemented in accordance with the principles of transparency and open dialogue.

¹ Annex A was not submitted.

ARTICLE 3
Competent Authorities

- (1) The Ministry for Foreign Affairs of Finland, represented by the Embassy of Finland in the Republic of South Africa, and the National Department of Education of South Africa, shall be the Competent Authorities in matters concerning the implementation of this Agreement.
- (2) The National Department of Education of South Africa shall be responsible for the implementation of the Programme.

ARTICLE 4
Financing by Finland

- (1) The contribution by Finland towards the implementation of this Programme as well as the covering of the shortfall that occurred during an earlier project referred to in sub-Article 2 hereunder during the period 2005 – 2008 shall, on a grant basis and subject to annual parliamentary approval in the Republic of Finland, be a maximum of eight million five hundred thousand Euros (€ 8.500.000).
- (2) The actual amount of €8.300.000 shall be utilised for the implementation of the Programme and the remaining €200 000 shall be utilised to fund the completion of the South African - Finnish Co-operation Programme in the Education Sector 2000-2003 (also referred to as the "SCOPE Programme"), signed on May 12, 2000.
- (3) Any remaining balance of the Finnish contribution (of €8.300 000) and the interest accrued thereto shall, upon the completion of Finland's support to the Programme, be returned to Finland as agreed by the Parties.

ARTICLE 5
Financing by South Africa

- (1) South Africa's contribution (as outlined in the annual budget allocation of the National Department of Education) towards the implementation of the Programme, shall be in the sum of three billion rand (R 3.000.000.000).
- (2) The amount contemplated in sub-Article (1) shall include running costs essential to the implementation of the Programme, including but not limited to -
 - (a) salaries;
 - (b) maintenance of equipment; and
 - (c) disbursements.
- (3) All financial and other resources required for the implementation of the Programme, over and above the Finnish contribution, shall be provided by South Africa.

ARTICLE 6
Disbursements

- (1) The contribution by Finland, excluding the funds needed for institutional support stipulated in Article 7, shall be deposited annually into the account of the Centre for Educational Policy Development, Evaluation and Management against a written request by the Department of Education, and shall be utilised by the Department of Education as and when needed for the implementation of the Programme.
- (2) The first payment shall be made upon the approval of the annual plan and budget for the first year of the Programme. Subsequent payments shall be made in accordance with the actual progress, and on the basis of the financial needs for the coming year. The requests for the subsequent payments shall be accompanied by a progress report and statement of accounts indicating income and expenditure in respect of the costs covered by the Parties' contributions for the foregoing period, as well as by a cash flow budget and a plan of activities for the coming period.
- (3) Any amount, including interest, which has already been disbursed but has not been fully used, shall be taken into account when requests are made.
- (4) South Africa shall keep proper financial records in accordance with professionally accepted bookkeeping rules and practices.

ARTICLE 7
Institutional Support

The institutional support services for the implementation and monitoring of the Programme shall be provided by Finnish public authorities and institutions working in the field of higher education, approved by the Parties and engaged by Finland (hereinafter referred to as "Institutional Partners"). The services shall be included in the annual work plans and budgets.

ARTICLE 8
Procurement

- (1) South Africa shall carry out the procurements, as prescribed in the Programme Document, including supporting services other than those referred to in Article 7 and shall conclude the contracts as agreed for the Programme. Finland shall not become a party to such contracts.
- (2) South Africa shall also provide, if requested to do so by Finland, information relating to a particular stage of the procurement procedure: provided that such information shall be provided only to the officers who are directly working with the project to which the procurement relates.
- (3) No offer, gift, payment or benefit of any kind, which would or could be construed as an illegal or corrupt practice shall be accepted, either directly or indirectly, as an inducement or reward for the awarding or execution of procurement contracts.