

**No. 46898**

**South Africa  
and  
Cuba**

**Agreement between the Government of the Republic of South Africa and the Government of the Republic of Cuba on the employment of Cuban technical advisors by the relevant South African provincial departments of housing (with annexes). Cape Town, 10 November 2004**

**Entry into force:** *10 November 2004 by signature, in accordance with article 10*

**Authentic texts:** *English and Spanish*

**Registration with the Secretariat of the United Nations:** *South Africa,  
12 November 2009*

---

**Afrique du Sud  
et  
Cuba**

**Accord entre le Gouvernement de la République sud-africaine et le Gouvernement de la République de Cuba relatif à l'emploi de conseillers techniques cubains par les départements provinciaux appropriés de logement sud-africains (avec annexes). Le Cap, 10 novembre 2004**

**Entrée en vigueur :** *10 novembre 2004 par signature, conformément à l'article 10*

**Textes authentiques :** *anglais et espagnol*

**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 CUBA**

**ON THE EMPLOYMENT OF CUBAN  
TECHNICAL ADVISORS BY THE RELEVANT  
SOUTH AFRICAN PROVINCIAL  
DEPARTMENTS OF HOUSING**

## **PREAMBLE**

The Government of the Republic of South Africa, represented by the National Department of Housing (hereinafter referred to as the "South African Party"),

The Government of the Republic of Cuba, represented by the Ministry of Construction (hereinafter referred to as the "Cuban Party") (hereinafter jointly referred to as the "Parties" and in singular as a "Party"),

**ACKNOWLEDGING** the close, friendly and cordial relations already existing between the Parties;

**TAKING INTO ACCOUNT** the Joint Declaration of the second session of the Joint Bilateral Commission on Economic, Scientific, Technical and Business Cooperation between the Republic of South Africa and the Republic of Cuba with specific reference to cooperation in the field of housing signed in Havana, Cuba, on 30 December 2002;

**HEREBY AGREE** as follows:

## **ARTICLE 1**

### **COMPETENT AUTHORITIES**

- (1) The competent authorities responsible for the implementation of this Agreement shall be -
- (a) On behalf of the Cuban Party, the Union de Empresas Constructoras Caribe (hereinafter referred to as "UNECA S.A.");  
and
  - (b) On behalf of the South African Party, the relevant Provincial Departments of Housing of South Africa.

- (c) UNECA S.A will appoint a coordinator of the Cuban technical advisors in South Africa.

**ARTICLE 2**  
**PURPOSE OF AGREEMENT**

- (1) The purpose of this Agreement is to provide a framework to enable the South African Party, through its relevant Provincial Departments of Housing, to make use of the technical assistance services rendered by the Cuban technical advisors identified by UNECA S.A within the context of the low-cost housing programs launched by the South African Party.
- (2) In this agreement "technical advisor" means a person who is qualified and registered to practice as an engineer or architect in accordance with the domestic law in force in the Republic of Cuba.

**ARTICLE 3**  
**EMPLOYMENT PROCESS**

- (1) The Minister of Housing of the Republic of South Africa shall approve requests by the relevant Provincial Departments of Housing for a relevant Cuban technical advisor to be recruited in accordance with the provisions of this Agreement.
- (2) Thereafter, UNECA S.A. shall assist the relevant Provincial Department of Housing, within ninety (90) days of receipt of the request, in the identification, selection and employment of the relevant technical advisor who shall join the South African local housing programmes in accordance with the provisions of this Agreement.

**ARTICLE 4**  
**GENERAL REQUIREMENTS FOR**  
**FIXED-TERM CONTRACT OF EMPLOYMENT**

- (1) In addition to the usual terms and conditions of a fixed-term contract of employment, the contract of employment applicable to the Cuban technical advisors employed in terms of this Agreement shall contain the minimum terms and conditions set out in **ANNEXURE A** .
- (2) It shall be a condition of every fixed-term contract of employment referred to in this Article that the domestic law in force in the Republic of South Africa shall apply to the said contract of employment and that the Parties shall consent to the jurisdiction of the courts of the Republic of South Africa in respect of any legal proceedings arising therefrom.
- (3) Individual contracts entered into by and between the technical advisor and the relevant Provincial Department of Housing shall comply with all of the provisions contained in this Agreement.

**ARTICLE 5**  
**SPECIAL CONDITIONS OF FIXED-TERM**  
**CONTRACT OF EMPLOYMENT**

- (1) It shall be a condition of every fixed-term contract of employment referred to in this Agreement, that such contract of employment shall be contingent upon the subsistence of this Agreement and that such contract of employment shall come to an end, *ipso facto*, on termination of this Agreement in accordance with Article 12 of this Agreement.
- (2) Nothing contained in this Agreement shall preclude the relevant Provincial Department of Housing or the Cuban technical advisor employed in terms of this Agreement at any time from terminating the