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**Switzerland
and
South Africa**

Framework Agreement between the Federal Council of the Swiss Confederation and the Government of the Republic of South Africa on development cooperation. Pretoria, 16 September 2013

Entry into force: *18 March 2014 by notification, in accordance with article 20*

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**Suisse
et
Afrique du Sud**

Accord-cadre entre le Conseil fédéral de la Confédération suisse et le Gouvernement de la République sud-africaine concernant la coopération au développement. Pretoria, 16 septembre 2013

Entrée en vigueur : *18 mars 2014 par notification, conformément à l'article 20*

Texte authentique : *anglais*

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FRAMEWORK AGREEMENT

BETWEEN

THE FEDERAL COUNCIL OF THE SWISS CONFEDERATION

AND

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

ON

DEVELOPMENT COOPERATION

The Federal Council of the Swiss Confederation and the Government of the Republic of South Africa (hereinafter also jointly referred to as the "Parties" and separately as a "Party");

Recalling the Memorandum of Understanding Concerning Development Cooperation between the Government of the Swiss Confederation and the Government of South Africa signed on 14 September 1994, and the Memorandum of Understanding on Strengthening Mutual Cooperation between the Government of the Swiss Confederation and the Government of the Republic of South Africa, signed on 8 March 2008;

Wishing to strengthen their cooperation as stated in these Memoranda of Understanding; and

Noting that Switzerland established a cooperation framework for the Swiss Agency for Development and Cooperation (hereinafter referred to as "SDC") and the Economic Cooperation and Development of the State Secretariat for Economic Affairs (hereinafter referred to as "SECO") for their cooperation in South Africa, hereby agree as follows:

Art. 1 Basis of Cooperation

Respect of human rights and democratic principles as set out in particular in the *Universal Declaration of Human Rights*, adopted by the United Nations on 10 December 1948, inspires the internal and external policies of the two Parties and constitutes an essential element on an equal footing with the objectives of this Agreement.

Art. 2 Definitions

For the purposes of this Agreement:

- (a) "Official Development Assistance" (hereinafter referred to as "ODA") means official resource flows to South Africa provided by Switzerland or any agency mandated by Switzerland with its main objective being the promotion of development and welfare
- (b) "Personnel" means persons who are not nationals or permanent residents of South Africa and who are employed or contracted (including short term experts) under the terms of this Agreement and their dependents; and
- (c) "Reconstruction and Development Programme Fund" (hereinafter referred to as the "RDP Fund") means the central account at the South African Reserve Bank into which donor funds for government-to-government projects are paid, and from which transfer payments are made to South African implementing agencies.

Art. 3 Modalities of Cooperation

(1) The cooperation can take the form of humanitarian assistance, technical assistance, and financial cooperation. Such cooperation may be carried out on a bilateral basis or in cooperation with other donors or multilateral organisations.

(2) This Agreement shall apply to bilateral cooperation as well as to national activities resulting from regional development cooperation projects or programmes co-financed by Switzerland or projects or programmes co-financed by Switzerland through multilateral institutions, provided that an explicit reference is made in these projects or programmes to this Framework Agreement.

Art. 4 Objective

The objective of this Agreement is to provide a framework for development co-operation between the Parties within the following areas:

- (a) Promoting a competitive and sustainable economy.
- (b) Promoting South Africa as a regional centre for economic development.
- (c) Supporting efforts to mitigate and to adapt to climate change and safeguard the environment.
- (d) Strengthening service delivery in health, especially related to HIV/AIDS
- (e) Strengthening service delivery in governance.
- (f) Strengthening service delivery in rural development and food security.
- (g) Promoting regional stability and cooperation.
- (h) Other areas of assistance which may be mutually agreed upon.

Art. 5 Competent Authorities

The Competent Authorities responsible for the implementation of the Agreement shall be:

- (a) In the case of the Republic of South Africa, National Treasury;
- (b) In the case of the Federal Council of the Swiss Confederation, SDC and SECO.

Art. 6 Scope of Application

The provisions of this Agreement shall apply to:

- (a) Projects mutually agreed between Switzerland on the one side and South Africa or respective central, regional and municipal authorities within the territory of South Africa on the other side;
- (b) Projects with public or private corporations or institutions upon which the Parties have mutually agreed to, in particular Article 12. The overall responsibility as contemplated in Article 11 shall not apply to these projects and has to be specified in the relevant project agreement.

Art. 7 Cooperation

The Parties shall cooperate fully to ensure that the objective of this Agreement is successfully accomplished.

Art. 8 Project Agreements

(1) The details for project funding channelled through the RDP Fund, and for other Swiss funding provided based on provisions mutually agreed upon under this Agreement, shall be the subject of project agreements which shall create binding obligations under international law.

(2) A project agreement shall, *inter alia*, set out:

- (a) The designation of responsibilities between the Parties, the implementing authorities or their authorised representatives;
- (b) The aims, objectives and expected results of the project;
- (c) An outline of the methods and means to be used to implement the project;
- (d) The resources required for the project;
- (e) The terms of payment and estimated budget;
- (f) The financial management of the project;
- (g) The project monitoring, evaluation and reporting, and
- (h) Procurement procedures.

(3) Project agreements may be amended by mutual agreement.

Art. 9 Consultations

(1) The Competent Authorities shall consult annually on government-to-government projects, unless agreed otherwise, in order to:

- (a) Review progress;
- (b) Discuss possible revision of plans and budgets;
- (c) Discuss proposals for extension of ongoing or new projects to be included under this Agreement;
- (d) Discuss issues of special concern for the implementation of the projects and this Agreement, and
- (e) Make recommendations and decisions for the future implementation of the projects and this Agreement.

(2) Central elements of the discussions and all decisions taken at the annual consultations shall be recorded in minutes.

(3) Whenever the Parties agree to extend existing or include new projects under this Agreement, this shall be recorded in the agreed minutes of the annual consultations.