



AGREEMENT

BETWEEN

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

AND

**THE GOVERNMENT OF THE KINGDOM OF
LESOTHO**

ON

**THE ESTABLISHMENT OF A BI-NATIONAL
COMMISSION**

PREAMBLE

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

SEEKING to revive the Structural Bi-lateral Mechanism that manages the relations between the Parties (the Joint Bilateral Commission of Co-operation), which lapsed in 2017;

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

ACKNOWLEDGING that neither country was able to develop its internal potential, nor foster sound bilateral relations until the demise of apartheid in the Republic of South Africa;

BEING MUTUALLY DESIROUS to continue consolidating and developing a special relationship, which will guide the strategic partnership and further intensify and enhance economic, social, good-governance, security and stability co-operation between the two countries;

GUIDED by the aspiration to strengthen and intensify friendly relations existing between their two countries and their peoples;

AWARE that the closer relationship among the peoples of both countries should find its expression in the facilitation of movement of people, goods and services;

CONSCIOUS of the necessity to promote security and cooperation in support of sustainable development in their respective countries and on the African continent in general;

PROMPTED by their commitment to the universal norms of sovereign equality, democracy, human rights, co-operation for mutual benefit and the rule of law,

HEREBY AGREE as follows:

ARTICLE 1
ESTABLISHMENT OF BI-NATIONAL COMMISSION

The Parties hereby establish a Bi-National Commission (hereinafter referred to as the "Commission").

ARTICLE 2
OBJECTIVES OF COMMISSION

The key objectives of the Commission are to:

- (a) guide the strategic partnership between the Parties;
- (b) promote mutually beneficial economic integration between the two countries with the aim of closing the existing economic disparities;
- (c) promote co-operation in the field of science and technology with the aim of bridging the technological divide which exists between the two countries;
- (d) cultivate and promote good governance, beneficial social, cultural humanitarian and political co-operation;
- (e) facilitate contact between the public and private sectors of the Parties within the areas of co-operation contemplated under this Agreement;
- (f) maintain peace and security between the countries of the Parties and general stability in the Southern African region through collective action based on respect for democratic institutions, human rights and the rule of law;
- (g) co-operate and harmonize the position of the Parties in addressing multilateral issues of common interest; and
- (h) facilitate the movement of people, goods and services between the countries of the Parties, taking into consideration the unique geographic position of the Kingdom of Lesotho.

ARTICLE 3
COMPOSITION OF COMMISSION

The Commission shall be organized at the following levels:

- (a) A Summit of the Heads of State and Government;
- (b) A Council of Ministers composed of sectorial Ministers, which shall be chaired by the respective Ministers of Foreign Affairs / International Relations and Cooperation of the Parties; and
- (c) no more than five senior government officials from the Ministry or Department of Foreign Affairs of the Parties, as well as from other Departments or Ministries that are directly involved with matters on the agenda of the Commission, at any given time.

ARTICLE 4

PURPOSE OF COMMISSION

The purpose of the Commission shall be to:

- (a) review progress made in the implementation of this Agreement; and
- (b) monitor programmes embarked upon by the Clusters contemplated in Article 7, in order to ensure the successful implementation of the programmes.

ARTICLE 5

MEETINGS OF COMMISSION

- (1) The Summit of the Heads of State and Government shall meet once a year, alternately in South Africa and Lesotho.
- (2) The Commission shall meet once a year and the Ministers of Foreign Affairs of the Parties shall jointly preside over the meetings of the Commission.
- (3) Meetings of senior government officials shall be held twice a year and the Principal Secretary of the Ministry of Foreign Affairs and International Relations of Lesotho and the Director-General of the Department of International Relations and Cooperation of South Africa shall jointly preside over such meetings.
- (4) The date and the agenda of sessions of the Commission shall be agreed upon by the Parties through the diplomatic channel.

ARTICLE 6
DECISIONS OF COMMISSION

The Commission, meeting at the level of Heads of State and Government, shall take decisions on recommendations referred to it by the Council of Ministers.

ARTICLE 7
CLUSTERS

(1) In order to facilitate the co-operation envisaged in terms of this Agreement, the Commission may establish Clusters in line with the Appendix attached to this Agreement, in the following areas of co-operation:

- (a) Strategic and political fields,
- (b) the economy,
- (c) social development,
- (d) good-governance; and
- (e) security and stability fields:

Provided that the areas of co-operation dealt with under each Cluster may include sub-areas that falls within the scope of the areas of co-operation mentioned in this Article.

(2) The Clusters may develop implementable programmes, which will be monitored and evaluated by the Co-ordinating Secretariat before the final submission to the Commission.

(3) The Clusters may meet as and when necessary.

(4) Representatives of the public and private sectors may be invited to participate in the meetings of the Clusters.

ARTICLE 8
RECORD OF DELIBERATIONS

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

ARTICLE 9
WORKING GROUPS

- (1) The Clusters may with the approval of the Commission, engage the services of technical institutions, organizations, companies or individuals with relevant experience and knowledge, as Working Groups, to gather information, conduct studies, and undertake research in accordance with the provisions of this Agreement.
- (2) The Working Groups shall present their reports to their respective Clusters on completion of their work.

ARTICLE 10
SECTOR-SPECIFIC AGREEMENTS

- (1) Sector-specific agreements may be concluded by the Parties, which shall fall within an area of co-operation contemplated in this Agreement.
- (2) The agreements referred to in sub-Article (1) shall be concluded in accordance with the Parties' constitutional requirements for the conclusion of international agreements.

ARTICLE 11
CO-ORDINATING SECRETARIATS

- (1) The Parties agree that the Foreign Affairs Ministry or Department in their respective countries shall act as Co-ordinating Secretariats and shall provide strategic leadership, including monitoring and evaluation of Cluster programmes.
- (2) The Parties agree that each Cluster may establish its own Secretariat responsible for co-ordinating sector-specific issues between the Parties within the context of the powers given to the Cluster: Provided that each Cluster Secretariat shall keep the Co-ordinating Secretariat informed, in writing, of its

activities within a timeframe as may be determined by the Co-ordinating Secretariat.

ARTICLE 12

FINANCIAL ARRANGEMENTS

- (1) Each Party shall, in respect of all meetings of the Commission, be responsible for its own 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 of the meeting.
- (3) Any ancillary costs of the Commission, including costs of the Clusters and Working Groups, shall be agreed to by the Parties on a case by case basis.

ARTICLE 13

SETTLEMENT OF DISPUTES

Any dispute between the Parties that may arise from the interpretation, application or implementation of this Agreement shall be settled amicably through consultation or negotiation through the diplomatic channel.

ARTICLE 14

ENTRY INTO FORCE, DURATION AND AMENDMENT

- (1) The Parties shall notify each other in writing when their respective constitutional requirement for entry into force of this Agreement has been fulfilled whereupon this Agreement shall enter into force on the date of the last notification.
- (2) This Agreement shall be valid for a period of five (5) years and thereafter shall be automatically extended for further periods of five (5) years.

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

ARTICLE 15
TERMINATION OF AGREEMENT

- (1) Either Party may terminate this Agreement by giving six (6) months' written notice in advance to the other Party through the diplomatic channel of its intention to terminate this Agreement.
- (2) The termination of this Agreement and its provisions or the termination of any provision in a sector-specific agreement, 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 authorized thereto by their respective Government have signed and sealed this Agreement in two originals in the English language, both texts being equally authentic.

DONE at Pretoria on this 25th day of NOVEMBER 2021.

G.N.M. Pando
**FOR THE GOVERNMENT OF
THE REPUBLIC OF SOUTH
AFRICA**

M. Melise Ramalooe
**FOR THE GOVERNMENT OF
THE KINGDOM OF
LESOTHO**

APPENDIX

The areas of co-operation referred to in Article 7 for each Cluster may include, but are not limited to the following Departments or Ministries:

- **Strategic and political:** Foreign Affairs
- **Social Cluster:** Home Affairs, Labour, Health and Social Development, Education, Arts and Culture, Science and Technology, Communications, Local Government and Water Affairs;
- **Economic Cluster:** Trade and Industry, Agriculture, Land Affairs, Transport, Environmental Affairs, Tourism, Labour, Home Affairs, Finance, Minerals and Energy, Science and Technology Public Enterprises, Water Affairs, Forestry and Planning;
- **Stability and Security Cluster:** Defence, Justice, Police and Correctional Services, Constitutional Affairs, Land Affairs-, Home Affairs, Intelligence, Foreign Affairs and Revenue Services;
- **Good-Governance Cluster:** Provincial and Local Government, Public Administration, Disaster Management.