

No. 51338*

**South Africa
and
Nigeria**

Memorandum of Understanding between the Government of the Republic of South Africa and the Government of the Federal Republic of Nigeria on cooperation in the fields of geology, mining, mineral processing and metallurgy. Cape Town, 7 May 2013

Entry into force: *7 May 2013 by signature, in accordance with article 9*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *South Africa, 16 September 2013*

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**Afrique du Sud
et
Nigéria**

Mémorandum d'accord entre le Gouvernement de la République sud-africaine et le Gouvernement de la République fédérale du Nigéria relatif à la coopération dans les domaines de la géologie, des mines, du traitement des minéraux et de la métallurgie. Le Cap, 7 mai 2013

Entrée en vigueur : *7 mai 2013 par signature, conformément à l'article 9*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 16 septembre 2013*

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[ENGLISH TEXT – TEXTE ANGLAIS]

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA

AND

THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF NIGERIA

ON COOPERATION IN THE FIELDS OF
GEOLOGY, MINING, MINERAL PROCESSING
AND METALLURGY

PREAMBLE

The Government of the Republic of South Africa and the Government of the Federal Republic of Nigeria (hereinafter jointly referred to as the “Parties” and separately as “Party”);

TAKING into account the friendly relations and cooperation existing between the two Countries;

NOTING with satisfaction the fruitful outcome of economic, technical and scientific cooperation between the two Countries;

RECOGNIZING that the Parties are member states of the African Union and State Parties to the Protocol on Minerals of the African Union;

CONSIDERING that bilateral cooperation in the fields of geology, mining, mineral processing and metallurgy shall be of mutual social, economic and environmental benefit to the two Countries;

SEEKING further to broaden and deepen the mutually beneficial economic, scientific, and technical cooperation between the Parties on the basis of mutual respects for each other’s sovereignty, mutual benefit, equality and non-interference in each other’s internal affairs;

HEREBY AGREE as follows:-

ARTICLE 1
PURPOSE

The purpose of this Memorandum of Understanding is to promote cooperation in the fields of geology, mining, mineral processing and metallurgy between the Parties on the basis of equality and mutual understanding, taking into account the experience of their specialists in the said fields.

ARTICLE 2
SCOPE OF COOPERATION

1. Within the allocated budget of the respective Countries the Parties shall promote cooperation in the fields of geology, mining, mineral processing and metallurgy through:
 - (a) the joint identification and implementation of joint co-operation programmes and projects aimed at the promotion of value addition activities in the mining sector;
 - (b) the facilitation of co-operation of reciprocal benefit between mining institutions of both Countries;
 - (c) collaborative projects in the fields of mining, geosciences, mineral title administration, mining exploration, metallurgy, mines health safety and environment, mineral beneficiation and mineral economics;
 - (d) the development of training programmes and/skills exchange development of specialists in the mining sector for both Countries
 - (e) the establishment and promotion of collaborative beneficiation facilities and small scale mining to enhance value addition from precious metals and other minerals;

- (f) the development of common strategies and regulatory frameworks in the mining sector;
 - (g) the exchanging of information, technology transfer, research and development co-operation and establishment of databases; and
 - (h) promoting co-operation on iron and steel, industrial, base and precious minerals processing
2. The Parties shall promote any form of cooperation in the fields of geology, mining, minerals processing and metallurgy as may be agreed upon in writing from time to time.
3. The Parties shall promote the collaboration of government agencies in the mineral sector, approve and support the creation of partnerships as may be agreed upon in writing from time to time.
4. The terms and conditions of each programme or project undertaken pursuant to this Memorandum of Understanding shall be agreed upon by the Parties in separate Technical Agreements.

ARTICLE 3 COMPETENT AUTHORITIES

1. The Competent Authority responsible for the implementation and coordination of this Memorandum of Understanding shall be-
- (a) in the case of the Government of the Federal Republic of Nigeria, the Ministry of Mines and Steel Development; and
 - (b) in the case of the Government of the Republic of South Africa, the Department of Mineral Resources.

2. The Competent Authorities shall be responsible for-
 - (a) the identification of programmes and implementing agencies on behalf of their respective Countries;
 - (b) the monitoring and evaluation of results of the programmes entered into;
 - (c) the review of progress of programmes entered into and;
 - (d) the consideration of any other aspects relevant to the promotion of bilateral cooperation between the Parties.

ARTICLE 4 WORKING GROUPS

1. The Parties shall, where appropriate, establish working groups for the purpose of the joint development of plans of cooperation as well as implementation and analysis of the work to be performed in the areas referred to in Article 2(1).
2. The agenda, times and place of the meetings of the workinggroup shall be agreed upon in writing by the Parties.

**ARTICLE 5
EXPENSES**

Within the allocated budget of the respective Countries each Party shall be responsible for its own costs that may result as a consequence of the implementation and application of this Memorandum of Understanding.

**ARTICLE 6
PUBLICATIONS OF REPORTS AND CONFIDENTIALITY**

1. Subject to the domestic law of each Party, the outcome or result of specific programmes of cooperation carried out under this Memorandum of Understanding, which is not in the public domain, shall be kept confidential by the Parties.
2. If a Party wishes to share the outcome or result with a third party, prior written consent of the other Party shall be obtained.
3. The outcome and results of specific programmes of cooperation carried out under this Memorandum of Understanding shall be published only with the written consent of the Parties.

**ARTICLE 7
APPLICABLE LAW**

All activities carried out in terms of this Memorandum of Understanding shall be subjected to the domestic law in force in the respective countries, as

well as the international agreements, conventions and treaties which they are party to.

ARTICLE 8
SETTLEMENT OF DISPUTES

1. Any dispute between the Parties arising out of the interpretation, application or implementation of the provisions of this Memorandum of Understanding shall be settled amicably through consultation or negotiations between the Parties.

ARTICLE 9
ENTRY INTO FORCE, DURATION AND TERMINATION

1. This Memorandum of Understanding shall enter into force on the date of signature thereof.
2. This Memorandum of Understanding shall remain in force for a period of five (5) years and thereafter shall be automatically renewed for a further period of five (5) years, unless terminated in accordance with Sub-article (3), of this Article.
3. This Memorandum of Understanding may be terminated by either Party by giving three (3) months written notice in advance through the diplomatic channel to the other Party of its intention to terminate this Memorandum of Understanding.

4. The termination of this Memorandum of Understanding shall not affect the completion of any project undertaken by the Parties prior to the termination thereof, or full execution of any cooperation activity that has not been fully executed at the time of termination, unless otherwise agreed upon in writing by the Parties.

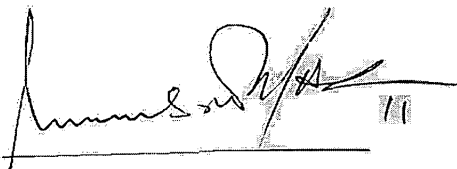
**ARTICLE 10
AMENDMENT**

This Memorandum of Understanding may be amended by mutual consent of the Parties through an Exchange of Notes between the Parties through the diplomatic channel.

IN WITNESS WHEREOF, the undersigned being duly authorized thereto by their respective Governments have signed and sealed this Memorandum of Understanding in duplicate in English Language both texts being equally authentic.

DONE at Cape Town on this 7th day of May 2013


FOR THE GOVERNMENT OF
THE REPUBLIC OF SOUTH
AFRICA


FOR THE GOVERNMENT OF
THE FEDERAL REPUBLIC OF
NIGERIA