

REPUBLIEK VAN SUID-AFRIKA

VERDRAGREEKS

No. 2/1986

Ooreenkoms betreffende Ekonomiese Samewerking en Belegging tussen die Regering van die Republiek van Suid-Afrika en die Regering van die Republiek van Paraguay

Plek en Datum van Ondertekening: Pretoria, 3 April 1974

DIE STAATSDRUKKER, PRETORIA



REPUBLIC OF SOUTH AFRICA

TREATY SERIES

No. 2/1986

Agreement relating to Economic Co-operation and Investment between the Government of the Republic of South Africa and the Government of the Republic of Paraguay

Place and Date of signature: Pretoria, 3 April 1974

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The Government of the Republic of South Africa and the Government of the Republic of Paraguay (hereinafter referred to as the "contracting parties"), being desirous of further strengthening their friendly relations through positive action in the fields of economic co-operation and investment, have agreed as follows:

ARTICLE I

The contracting parties agree to use their best endeavours with a view to creating a firm basis for economic and technical co-operation between them and to expand this co-operation to the highest possible levels, particularly through appropriate action in their commercial and financial policies which will serve to promote their respective plans for economic and social development, for which purpose either party will, from time to time, submit to the other any information which it regards as relevant and will also approach the other party with proposals relating to the conclusion of special agreements covering specific projects of investment and industrial and financial co-operation between them.

ARTICLE II

The contracting parties agree that they will individually and collectively use their best endeavours to strengthen their commercial relations through a progressive expansion of the volume and commodity composition of the goods traded between them.

ARTICLE III

With respect to customs duties and taxes or charges imposed on or in connection with imports into or exports from the territory of either of the two contracting parties, or imposed on the international transfer of payments for such imports or exports and with respect to the method of levying such duties and taxes or charges, and with respect to all rules and formalities, including quantitative restrictions, in connection with imports and exports, the contracting parties agree that any advantage, favour, privilege or immunity granted by either of them to any product originating in, or destined for any other country shall be accorded immediately and unconditionally to the like product originating in, or destined for the territory of the other party, regardless of the means of transport which is being used for the conveyance of that product, and also irrespective of whether the product is imported or exported, as the case my be, directly from or to the other party.

ARTICLE IV

Unless otherwise agreed upon between the two contracting parties, the provisions of Article III of this Agreement shall not apply to —

(i) any privileges and advantages granted, or which may hereafter be granted by the Republic of Paraguay to any member of the latin American Free Trade Association and/or to any other country with which the Republic of Paraguay may hereafter conclude an agreement of economic integration;

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(ii) any special privileges and advantages granted by the Republic of South Africa to existing or former members of the British Commonwealth of Nations; and

(iii) any privileges and advantages which are, or may hereafter be granted by either of the two contracting parties to countries adjacent to their respective territories in order to facilitate frontier traffic.

ARTICLE V

Subject to the requirement that such measures shall not be applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, nothing in this Agreement shall be construed to prevent the adoption or enforcement, by either of the two contracting parties, of measures which either contracting party consider as necessary for—

(i) the protection of public morality;

(ii) the protection of human, animal or plant life or health;

(iii) the protection of its essential security interests;

(iv) the protection of its national treasures of artistic, historic or archaeological value; and

(v) the control of imports or exports of arms, munitions and all other military supplies.

ARTICLE VI

The two contracting parties agree that either of them will recognise the sanitary, veterinary and phytopathological certificates issued by the other party, and that either of them will also accept the quality analyses or certificates issued by the competent institutions of the other party which establish that the products originating in the territory of the party in which such quality analyses or certificates have been issued, comply with the provisions of the internal legislation of that party. Either of the contracting parties shall have the right to take such action as it deems necessary for the purpose of satisfying itself as to the authenticity of any documents submitted to it by the other party in respect of goods originating in the territory of that party.

ARTICLE VII

The contracting parties agree to adopt all necessary measures, consistent with their domestic legislation and their obligations under any international agreements to which they may be parties, for the purpose of protecting in their respective territories all products originating from the territory of the other party against unfair competition in commercial transactions. To this end they agree that such measures shall be aimed at preventing the importation, domestic distribution, manufacture and sale of products bearing trade marks, names or inscriptions of any kind which are aimed at providing a false indication of the source, type, nature or quality of the products in question.

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ARTICLE VIII

1. With due regard to the ability of the Republic of South Africa to participate in the economic development of Paraguay, the South African Government agrees to consider sympathetically and on merit specific proposals submitted by the Government of Paraguay in connection with—

   (i) assistance in the financing of economic development projects in Paraguay by means of the granting of loans to the Government of Paraguay and/or its official entities; and

   (ii) the investment of funds by private South African investors in projects in Paraguay which are considered to be in the mutual interest of both countries,

2. The loans referred to in paragraph 1(i) will be granted on such terms and conditions as are agreed upon by the Government of the Republic of South Africa and the Government of Paraguay at the time of each loan.

3. The Government of Paraguay undertakes to ensure that South African interests involved in projects in Paraguay will not be granted less favourable treatment than any other interests, similarly involved, particularly in regard to matters such as taxation, the remittance of profits abroad, the repatriation of capital, or other restrictive measures.

ARTICLE IX

This Agreement will come into effect on the day on which the Government of the Republic of Paraguay communicates to the Government of the Republic of South Africa its constitutional authority for the implementation of the Agreement.

ARTICLE X

1. This Agreement shall remain in force for a period of five years from the date on which it comes into effect, in terms of Article IX. It shall thereafter remain in force until the expiry of three months from the date on which either contracting party shall have given the other notice of his intention to withdraw from the Agreement.

2. The termination of the Agreement in terms of paragraph 1 shall not affect the obligations incurred by the Government of Paraguay in terms of Articles I and VIII with regard to such South African interests as may be involved in projects in Paraguay at the time of the termination of the Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed and sealed the present Agreement.

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DONE in duplicate in the City of Pretoria on this third day of April in the year Nineteen hundred and seventy-four in the Afrikaans, English and Spanish languages, all texts being equally authoritative.

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