



**the dfa**

Department  
Foreign Affairs  
REPUBLIC OF SOUTH AFRICA

**PRACTICAL GUIDE AND PROCEDURES  
FOR THE CONCLUSION OF AGREEMENTS  
2<sup>nd</sup> edition**

**OFFICE OF THE CHIEF STATE  
LAW ADVISER  
INTERNATIONAL LAW**



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## FOREWORD

**The purpose of this Practical Guide is to assist you in understanding the constitutional processes and procedures that must be followed in order to conclude international agreements.**

Since the inception of the modern state system, international law (the law between states and between states and international organisations) has been one of the mechanisms with which states attempted to establish and keep international peace and order. In the period prior to the First World War, international law operated in a bilateral context within an international community consisting of a limited number of states. After 1919, and even more so after the Second World War, the advent of multilateral diplomacy intensified international interaction. It was especially the need to create new legal regimes on all aspects of state interaction/interrelations that firmly established international law as a cornerstone of modern diplomacy.

Since the end of the Cold War, international security has also been increasingly defined in terms of human security rather than that of the state and its physical integrity. Contemporary international challenges to governments like population flows and refugee problems (often resulting from the gross human rights violations or conflicts and civil wars within the borders of states), fatal diseases, environmental threats and organised crime, can only be addressed by inter-governmental co-operation and regime creation, processes that need to be embedded in international law. These developments necessitate the involvement of the legal adviser trained in international law in the formulation and conduct of a state's diplomacy.

The State Law Advisers specialising in international law are situated in the Office of the Chief State Law Adviser (IL) (hereafter referred to as "the Office"), located within the Department of Foreign Affairs.

**The Office is here to render a service to you and to assist where it can. We trust that this Practical Guide will serve to inform you about the activities of and services offered by the Office, and the procedures to follow in order to conclude international agreements and to utilise the services that are at your disposal, in the Office.**

### OFFICE OF THE CHIEF STATE LAW ADVISER (IL)

#### Composition of the Office

The Office consists of three components, namely the State Law Advisers (IL), the Legal Officers and the Treaty and Information Management Section that are at the disposal of clients.

#### The mission and vision of the Office

The Office renders a professional specialised service to all its clients in an effective and efficient manner and adhere to the principle of **Batho Pele - people first.**

## The Office provides

- Legal advice and inputs to the South African Government as a whole on international law in order to ensure that international agreements are not in conflict with international law and South Africa's international obligations;
- Legal advice and inputs to the Department of Foreign Affairs to ensure that within the domestic context, in particular in respect of departmental matters, including policy, the Department of Foreign Affairs acts in conformity with South African law; and-
- A Treaty and Information Service specialising in South African law and international law.

## Clients of the Office

For legal advice and information service:

- National and provincial governments
- Minister and Deputy Minister of Foreign Affairs
- Department of Foreign Affairs
- South African Missions abroad

For information service:

- Foreign Missions
- Parastatals
- Parliament
- Universities, Research Institutions, etc.
- Civil Society

## STATE LAW ADVISERS (IL)

Legal advice is provided in respect of all questions relating to international law on request to our clients.

### Role of the State Law Advisers (IL)

The legal services offered by the State Law Advisers (IL) include the following:

- Render written legal opinions in respect of international law to the Department of Foreign Affairs and other clients; and in respect of South African law to the Department of Foreign Affairs.
- Scrutinise international agreements for consistency with international law and with South Africa's other international obligations.
- Participate as members of South African delegations, in the capacity of legal advisers, in international conferences, meetings and conventions locally and abroad.
- Negotiate, draft, or make inputs in the negotiations of international agreements (multilateral or bilateral), contracts and related documents.
- Approve and certify international agreements and supervise over the registration, publication and safekeeping thereof.
- Draft or participate in the drafting of South African legislation, including amendments thereof based on international law or South African law.

## LEGAL OFFICERS

Legal advice is provided on questions relating to South African law, particularly private law, including law of contract, labour law and administrative law.

### Role of the Legal Officers

The legal services offered by the Legal Officers include the following:

- Provide legal advice to the Department of Foreign Affairs pertaining to South African law, in general or on specific actions, with regard to specific questions/problems on the basis of applicable legal principles and legislation.
- Draft or make legal inputs in documents such as letters, submissions, memoranda, policies or agreements/contracts as well as in South African draft legislation.
- Act as an intermediary between the Department of Foreign Affairs and the State Attorney or legal representatives in foreign countries, as the case may be, when the Department is involved in litigation.

## TREATY AND INFORMATION MANAGEMENT SECTION

There are two components to the Treaty and Information Management Section, namely the Treaty Section and the Legal Library. The former is responsible for the management of the complete treaty collection of the Republic of South Africa and the latter for rendering a library and information service on South African law and international law.

### TREATY SECTION

The Treaty Section controls and is responsible for the safekeeping and updating of the South African Treaty Collection. There are approximately 3300 agreements registered with the Treaty Section. The South African Treaty Register is the **official record** of all bilateral and multilateral agreements that the Republic of South Africa is a party to.

It is therefore of the utmost importance that all documents and information relating to agreements should be deposited by the responsible line function departments with the Treaty Section for record keeping and registration at the United Nations.

### Services offered by the Treaty Section

- Render an information service on all aspects concerning agreements such as the signature, ratification, accession, and entry into force of all agreements that the Republic of South Africa is a party to.
- Respond to enquiries from the Department of Foreign Affairs, Government as a whole, as well as other institutions and the general public. The information is often needed for high-level negotiations, reports, books, articles, lectures and court cases.
- Prepare an annual Treaty List for publication in the South African Yearbook and the South African Yearbook on International Law as well as individual Treaty Lists on specific subjects upon the request of clients.
- Print and bind all agreements before signature.
- Print and bind all Instruments of Ratification/Accession and Full Powers.

### Treaty Collection includes

- All agreements that the Republic of South Africa is a party to.
- The United Nations Treaty Series.
- League of Nations Treaty Series.

## LEGAL LIBRARY

The Legal Library renders a specialised library and information service on South African law and international law.

### Services offered by the Legal Library

#### Service Delivery to clients

- The Legal Library is open to all users of South African law and international law.
- A telephonic enquiry service is provided and information can be delivered electronically, by fax or in hard copy.
- Users may personally visit the library during the following hours:  
*Mondays to Fridays from 7:00 to 12:45 and 13:30 to 16:30.*

#### Service delivery to Department of Foreign Affairs officials

- A telephonic enquiry service is provided and information can be delivered electronically, by fax or in hard copy.
- Department of Foreign Affairs officials may personally visit the library during the following hours:  
*Mondays to Fridays from 7:00 to 12:45 and 13:30 to 16:30.*
- Books may be obtained from other libraries via the Southern African Inter Lending Scheme.
- Loans to Department of Foreign Affairs officials may be restricted and a loan period of two weeks will be allowed.

#### Library Collection

Subject areas covered in the library are:

South African law for example: labour, constitutional, statutory and common law.

International law for example: human rights, trade law, environmental law, etc.

## Types of publications

South African Law Reports (available in hard copy and electronically)  
International Law Reports (hard copy)  
South African Statutes (available in hard copy and electronically)  
South African Gazettes (electronically)  
Textbooks  
Journals

## Other information

Access to electronic information such as: Sabinet online, South African Government Gazettes, Butterworths Forms and Precedents, Netlaw, Legalbrief, S A Statutes, S A Law Reports, Hein Online and United Nations Treaties.

## PROCEDURES FOR:

### Requesting legal advice

The Office requires that any request for legal advice be submitted through the relevant Desk at the Department of Foreign Affairs in the prescribed form. The reason for this is to ensure that Desks are informed of all developments in their areas of responsibility as well as giving the Desks an opportunity to comment on the political implications of a particular legal issue. Once the relevant Desk has had an opportunity to make its inputs it must submit a request for legal advice to the Office in the prescribed form. The prescribed form for the request for legal advice is the **FA184** form, which is available electronically on the Department of Foreign Affairs' computer network templates.

### Concluding international agreements

The procedure for concluding international agreements (which includes treaties and conventions) is set out in Chapter 5 of the *2006 Manual on Executive Acts of the Office of the President of South Africa*. In short this procedure involves the following:

- an opinion on the agreement's consistency with domestic law must be obtained from the State Law Advisers at the Department of Justice and Constitutional Development;
- an opinion on the agreement's consistency with international law and South Africa's international obligations must be obtained from the State Law Advisers (IL) at the Office;
- a President's Minute must be prepared by the responsible government department for signature by both the responsible line function Cabinet Minister and the President;
- the President's Minute, a short Explanatory Memorandum together with two copies of the agreement must be forwarded to the Office for certification in accordance with the prescribed procedures in a **Z137** coversheet, before it can be presented to the Presidency for approval.

Chapter 5 of the Manual must be read together with section 231 of the Constitution of the Republic of South Africa, Act No. 108 of 1996. This Guide now clearly explains what each step involves and examples of the relevant documentation are reflected in Annexures 1, 2 and 3 hereof.

**Note that the term “agreement” includes convention, treaty, protocol, memorandum of understanding, accord, exchange of notes, etc.**

### Obtaining a President’s Minute

(Presidential approval to sign an agreement is obtained in the form of a President’s Minute).

**All** international agreements must be submitted for legal advice to the State Law Advisers of the Department of Justice and Constitutional Development and to the State Law Advisers of this Office to obtain the opinions as indicated above.

**All** international agreements to be signed must be approved by the National Executive. This is regardless of whether or not the agreement falls within the ambit of section 231(2) or 231(3) of the Constitution. This must be done prior to the signature of any agreement. In practice, this is done by obtaining a President’s Minute, that is signed by the Cabinet Minister responsible for the specific subject matter of the agreement and counter-signed by the President.

### Certification of agreements

In order to obtain a President’s Minute, the text of the agreement must be certified by the State Law Advisers (IL) of the Office. The following documents need to be submitted in order to obtain the certification of the agreement:

- Text of the President’s Minute
- Explanatory Memorandum, indicating the proposed date of signature
- Two copies of the final text of the agreement
- Certificate of authenticity issued by the Minister of the responsible government department in case of multilateral agreements
- A copy of the Legal advice of the State Law Advisers of the Department of Justice and Constitutional Development
- A copy of the Legal advice of the State Law Advisers (IL) of the Office
- All documents must be contained in **Folder Z137**

State Law Advisers (IL) need **at least** 24 hours to certify agreements.

## SEE FLOWCHART A FOR CORRECT PROCEDURE

The procedure, which is followed thereafter, will depend on whether the agreement falls within the ambit of section 231(2) or 231(3) of the Constitution. The line function department together with the State Law Advisers (IL) of the Office is responsible for making this determination.

### Technical, administrative or executive agreements requiring National Executive approval in terms of section 231(3) of the Constitution

The guidelines to determine whether an agreement falls within the ambit of section 231(3) of the Constitution are as follows:

- Agreements that do not require ratification or accession
- Agreements that have no extra-budgetary financial implications
- Agreements that do not have legislative implications.

In practice this means that a President's Minute must be obtained prior to signing the agreement.

The agreement must be tabled in Parliament within a reasonable time by the responsible line function department, but parliamentary approval to conclude the agreement is not required.

## SEE FLOWCHART B FOR CORRECT PROCEDURE

### Agreements requiring parliamentary approval for Ratification or Accession in terms of section 231(2) of the Constitution

As a President's Minute must be obtained regardless of whether or not the agreement falls within the ambit of section 231(2) or 231(3) of the Constitution, the procedure for obtaining approval of the National Executive, as set out in Flowchart A, must also be followed.

For agreements falling within the ambit of section 231(2) of the Constitution an additional procedure must be followed i.e. parliamentary approval for ratification/accession of the agreement must be obtained. Agreements requiring parliamentary approval in terms of section 231(2) of the Constitution are agreements that:

- Require ratification or accession (usually multilateral agreements)
- Have financial implications that require an additional budgetary allocation from Parliament

- Have legislative or domestic implications (e.g. require new legislation or legislative amendments)
- Approval for ratification is required in cases where South Africa has signed the agreement and it provides for such an instrument
- Approval for accession is required where South Africa has not signed an agreement but can become a party thereto through accession.

### Signing of international agreements during a conference

Ministers are sometimes required to sign international agreements that are negotiated, drafted and adopted during conferences. The usual procedure where a State Law Adviser (IL) certifies the agreement before obtaining a President's Minute cannot thus apply. In such cases an Instrument of Full Powers and a President's Minute will be required, even though the final document could not be certified by the State law Advisers (IL). The President's Minute and Instrument of Full Powers will authorize the Minister to sign an agreement, that will be subject to ratification.

### SEE FLOWCHART C FOR CORRECT PROCEDURE

#### Depositing documents with the Treaty Section

**The original copy of every international agreement along with the President's Minute must, after signature, be deposited with the Treaty Section. In the case of a multilateral agreement where the original copy is not available, a certified copy is required.**

- Every action that causes a change in the status of an agreement must be reported and the relevant documents sent to the Treaty Section.  
This includes:
  - Parliament's approval to ratify or accede to an agreement
  - Copies of Instruments of Ratification or Accession
  - Depository notifications
  - Entry into force notifications
  - Amendments
  - Termination or any other relevant information
- This information is also needed for the registration of the agreements with the United Nations.

#### Binding of Agreements, Instruments of Ratification or Accession

All agreements must be properly bound before signature. When negotiations have been finalised and an agreement is ready for signature, the Treaty Section will bind it in the prescribed manner.

### The following procedure is to be followed:

Make an appointment at the Treaty Section, tel: (012) 351 0892/0742 for the binding of all agreements and Instruments of Ratification/Accession.

The responsible Department or Desk can either provide the Treaty Section with the final prepared text of the agreement and instruments printed on the prescribed paper as indicated hereunder, or, provide an electronic copy of the finalised text in which case the Treaty Section will make the necessary print outs.

The responsible Department or Desk must provide the Treaty Section with a copy of the signed President's Minute. Agreements cannot be bound if the signed President's Minute is not submitted together with the prepared text.

### The following are used for the binding of agreements:

<b>Paper</b>	Conqueror (cream) Title page with the coloured crest at the top (Supplied by the Treaty Section)
<b>Covers for binding</b>	Green leather covers and cream paper covers (Supplied by the Treaty Section)
<b>Ribbon</b>	Colours of the National Flag (Supplied by the Treaty Section)

## GUIDELINES FOR DRAFTING OF AGREEMENTS

### Introduction

The following guidelines are intended to provide general guidance in so far as the most basic aspects of drafting of international agreements are concerned. It also aims at enhancing the uniformity in drafting styles applied in the drafting of international agreements.

As all elements of international agreements need to be agreed on by the respective parties, the drafting style will also depend on the agreement between the parties. The guidelines given here are therefore how South Africa would prefer the international agreement to be drafted, although this is not necessarily always attainable due to the fact, as already indicated, that the drafting style may depend on the agreement reached between the parties.

## The Parties

Agreements are concluded between Governments and not Departments. Departments can be designated as the authority for implementing agreements. The South African side to the Agreement is always to be cited as “ the Government of the Republic of South Africa”.

## Terminology

An international agreement refers to an agreement between states or between states and international organisations that creates or intends to create a relationship between them operating under international law.

**Various titles are used to define an international agreement. For example:**

- **Treaty:** normally used for more formal agreements dealing with matters of gravity.
- **Convention:** usually used for multilateral agreements.
- **Agreement:** less formal agreements with limited scope and fewer parties.
- **Protocol:** usually an ancillary agreement to the original agreement.
- **Memorandum of Understanding:** a less formal agreement, usually of an administrative or technical nature.
- **Exchange of Notes:** a less formal agreement. Concluded through two or more diplomatic notes between the parties.

**It should be noted that it is not the name of the instrument that makes it a binding or non-binding international agreement, but the contents thereof. Therefore an instrument such as a Declaration of Intent, in which the parties only express their intentions, without creating any obligations, would not be an international agreement as contemplated in section 231 of the Constitution.**

## Structure

Agreements are usually structured in such a way that it includes a preamble, substantive clauses, standard end clauses and signature clauses.

## Sequencing of articles

If an article on definitions is required, this should be placed at the very beginning of the agreement just after the Preamble. Definitions should be listed in alphabetical order. If an article on the objective or purpose is included it should be included after the article on definitions. Substantive clauses follow the definitions where after certain standard articles on Settlement of Disputes, Amendment, Entry into Force and Duration and Termination follow and the text of the agreement is concluded by standard end clauses.

## Preamble

An international agreement usually has a preamble that is not intended to constitute substantive provisions or create legal obligations. It sets out the background and context of the agreement and is used as an aid to the interpretation of the agreement.

Two styles of drafting are commonly used. By using the present participle of the verb to begin each clause, e.g. “Recalling” or by using the word “Whereas” to start each preambular paragraph.

### Example:

“The Government of the Republic of South Africa, the Government of the People’s Republic of Mozambique and the Government of the Republic of Portugal (hereinafter referred to in the singular as “a Party” and in the plural as “the Parties”);

RECALLING that an Agreement was entered into on 19 September 1969 between the Government of the Republic of South Africa and the Government of the Republic of Portugal concerning the establishment and operation of a hydro-electric scheme, known as the Cahora Bassa Project, for the generation and supply of electricity for use within the territories of South Africa and Mozambique and possibly other countries;

RECOGNIZING that conditions have changed considerably since the conclusion of the said Agreement which consequently no longer reflects the realities of the situation in the region of Southern Africa;

DESIRING THEREFORE to enter into a tripartite Agreement which will take account of the changed conditions prevailing in the region;

HEREBY AGREE AS FOLLOWS:

### Example:

“WHEREAS the Government of the Republic of South Africa and the Government of the Netherlands (here in after jointly referred to as “the Parties” and in the singular “Party”) are desirous to consolidate and strengthen their friendly ties and reciprocal understanding; and

WHEREAS the Parties are conscious of the desirability of promoting to the greatest possible extent the mutual knowledge, experience and understanding of their respective human and developmental needs in the Social Welfare field, by means of friendly co-operation between them;

NOW THEREFORE the Parties undertake as follows: ...”

### **Headings and numbering**

It is always helpful if headings/subtitles are provided for each Article.

As far as the numbering is concerned, substantive provisions are divided into articles, sub-articles, paragraphs and sub-paragraphs. Articles are numbered either in Arabic or capital roman numbers. Sub-articles in Arabic number, paragraphs in alphabetic letters and sub-paragraphs in small roman numbers. Capital letters are used and the article and subtitle are centred.

### **Example:**

#### **ARTICLE 4 or ARTICLE IV**

#### **COMPOSITION OF THE COMMISSION**

Each Party shall appoint five representatives to serve on the Commission.

The Commission shall:

- a. Consider all allegations of infringements of the provisions of this Agreement;
- b. Advise the parties of its conclusions;
- c. Make recommendations to the Parties regarding:
  - i. settlement of disputes;
  - ii. effective means of enhancing the application of this Agreement; and
  - iii. the possibilities of extended co-operation between the Parties.

## Standard articles

Standard wording can be used for standard articles on:

### Examples:

- **SETTLEMENT OF DISPUTES**

“Any dispute between the Parties arising out of the interpretation or implementation of this Agreement shall be settled amicably through consultation or negotiation between the Parties to the dispute.”

- **AMENDMENT**

“This Agreement may be amended by mutual consent of the Parties through an Exchange of Notes between the Parties through the diplomatic channel.”

**It is a common error to provide for the entry into force of amendments. The Exchange of Notes for the amendment will stipulate the date of entry into force (usually on the date of the last notification). An entry into force provision in this clause therefore is not only unnecessary but may also lead to confusion.**

- **ENTRY INTO FORCE**

**Where the agreement falls within the ambit of section 231(3) of the Constitution of the Republic of South Africa, Act No. 108 of 1996:**

“This Agreement shall enter into force on the date of signature thereof by the Parties.”

**Where the agreement falls within the ambit of section 231(2) of the Constitution of the Republic of South Africa, Act No. 108 of 1996:**

“The Parties shall notify each other in writing when their respective constitutional requirements for entry into force of this Agreement have been fulfilled. This Agreement shall enter into force on the date of the receipt of the last written notification.”

**It should be noted that it frequently happens that the other party will require an entry into force clause that requires notification of the completion of the constitutional procedures. This can happen even if South Africa considers the agreement to be an agreement within the ambit of section 231(3) of the Constitution. This is acceptable. However, the line function department should note that the election of this wording would require an additional administrative step namely that a diplomatic note must be sent. In these cases the responsible line function department should request that the relevant Desk at the Department of Foreign Affairs send such a note. A copy of the note must be submitted to the Treaty Section.**

Where ratification or accession is to be expressly provided for, the correct formation must be used in consultation with the State Law Adviser (IL).

• **DURATION AND TERMINATION**

“This Agreement shall remain in force for a period of three years, after which it shall be renewed automatically unless terminated by either Party giving six months written notice in advance through the diplomatic channel of its intention to terminate this Agreement.

A Party terminating this Agreement shall remain bound to contractual relationships to which it is a party and to its obligations there under, until they are fulfilled.”

**OR**

“This Agreement shall enter into force on the date of signature and remain in force for an indefinite period unless terminated by either Party giving six months written notice in advance through the diplomatic channel of its intention to terminate the Agreement.

Termination of this Agreement shall not effect any programmes undertaken prior to the termination of this Agreement, unless otherwise agreed upon by the Parties.”

**OR**

“The termination of this Agreement shall not effect the completion of any unfulfilled obligation at the moment of its termination, unless otherwise agreed by the Parties.”

• **END AND SIGNATURE CLAUSES**

“IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed and sealed this Agreement in duplicate in the English and Hindi languages, both texts being equally authentic. In case of diversion of interpretation the English text shall prevail.

DONE at ..... on ..... day of ..... in the year 200...

FOR THE GOVERNMENT OF  
THE REPUBLIC OF SOUTH AFRICA

FOR THE GOVERNMENT  
OF.....

## USEFUL INFORMATION

### Contact details

#### Office of the Chief State Law Adviser (IL)

Tel: 012 351 0857  
Fax: 012 342 5141  
E-mail: [jouberth@foreign.gov.za](mailto:jouberth@foreign.gov.za)

#### Legal Library

Tel: 012 351 0872/0726  
Fax: 012 342 5141  
E-mail: [vdwaltr@foreign.gov.za](mailto:vdwaltr@foreign.gov.za)

#### Treaty Section

Tel: 012 351 0892/0742  
Fax: 012 342 5141  
E-mail: [jacobsm@foreign.gov.za](mailto:jacobsm@foreign.gov.za)

### Legislation administered by the Department of Foreign Affairs

- Diplomatic Immunities and Privileges Act, No. 37 of 2001
- Foreign States Immunities Act, No. 87 of 1981
- African Renaissance and International Co-operation Fund Act, No. 51 of 2000



81/173195  
(Z 137)

Republic of South Africa

Department.....

Delivery address.....

The Director-General  
Office of the President

In accordance with the provisions of section 84 of the Constitution of the Republic of South Africa, 1996, the under mentioned Executive Act is enclosed for submission to the President for consideration and signature.

No.	Subject

.....

Director-General

Date .....

Enquiries .....

Tel .....

Office use			

A4 Size



81/172488  
(Z19E)

PRESIDENT'S MINUTE NO.

In terms of Section 23 I of the Constitution of the Republic of South Africa, 1996 I hereby approve that the attached agreement on.....between the Republic of South Africa and ..... (country) be entered into, and I hereby authorise the Minister of ..... to sign the agreement.

Given under my Hand and the Seal of the Republic of South Africa  
at ..... (place) on this ..... day of ..... (month)  
200.....(year)

PRESIDENT

MINISTER OF THE CABINET

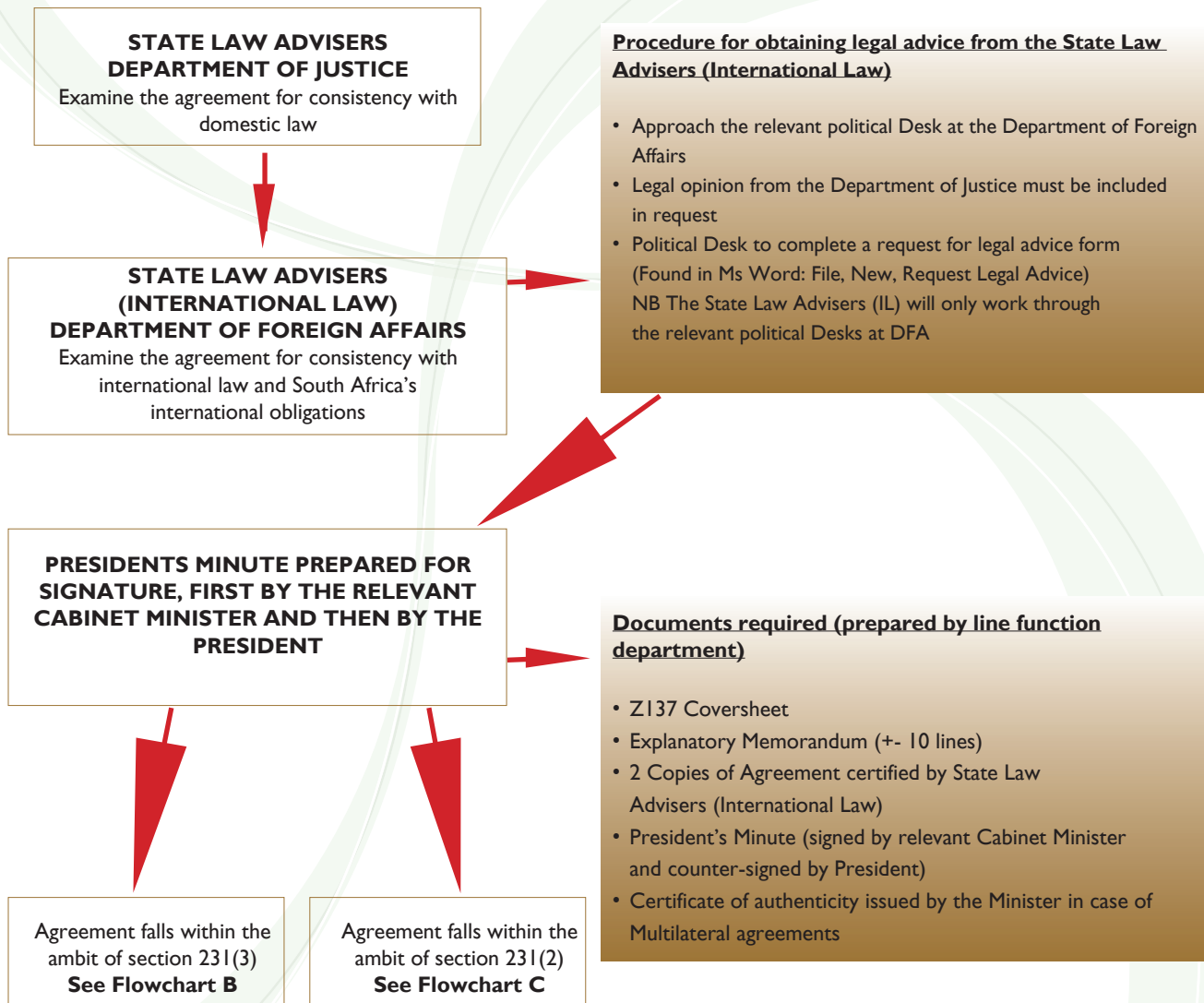
(Ministerial Letterhead)

CERTIFICATE BY THE MINISTER OF.....

I, ....., in my capacity as Minister of .....  
..... of the Republic of South Africa, hereby cer-  
tify that the attached document is a true version of the Agreement  
between the Government of the Republic of South Africa and the  
..... and forms  
part of President’s Minute No.....of .....

## FLOW CHART A

### Procedure for obtaining President's Approval (a President's Minute) for all international agreements



## FLOW CHART B

### Procedure for concluding an Agreement that falls within the ambit of section 231(3) of the Constitution

**OBTAIN A PRESIDENT'S MINUTE  
(SEE FLOWCHART A)**

**PREPARE AGREEMENT FOR SIGNATURE  
AND BINDING**

Procedures for the line function department to follow:

- Print the agreement on Conqueror Paper cream, with coloured crest on first page
- Bring the signed President's Minute
- Make an appointment at the DFA Treaty Section (Tel: 351-0892) for binding and sealing the agreement

**AGREEMENT SIGNED**

Agreement enters into force if it provides that it will enter into force upon signature hereof

If Agreement requires a notification of completion of constitutional procedures prepare a Diplomatic Note stating that South African constitutional procedures have been complied with

**DEPOSIT TREATY WITH THE TREATY SECTION**

Documentation deposited

- Original signed agreement, or in the case of a multilateral treaty, a President's certified copy thereof
- Presidents minute

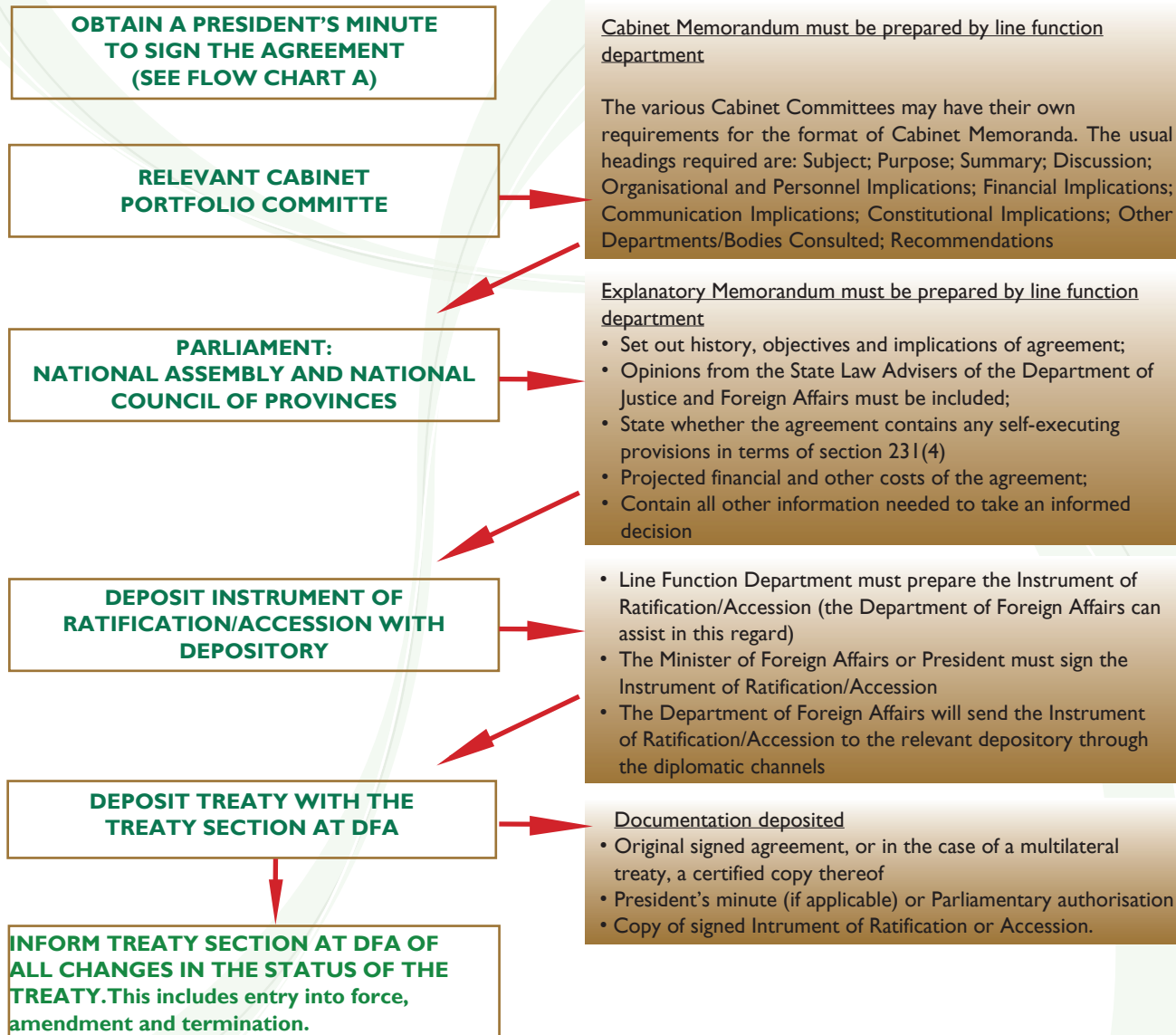
**AGREEMENT TABLED IN PARLIAMENT WITHIN  
A REASONABLE TIME IN TERMS OF SECTION  
231(2) OF THE CONSTITUTION**

**INFORM TREATY SECTION AT DFA OF ALL  
CHANGES IN THE STATUS OF THE TREATY.  
This includes entry into force, amendment  
and termination.**

Parliamentary officer of the relevant line function departments to do this. Most parliamentary officers require a short explanatory memorandum on the agreement.

## FLOW CHART C

### Procedure for obtaining Parliamentary approval in terms of section 231(2) of the Constitution



A large green rectangular area with horizontal lines, serving as a space for notes. The lines are evenly spaced and extend across the width of the green area.





**OFFICE OF THE CHIEF STATE LAW ADVISER (IL)  
DEPARTMENT OF FOREIGN AFFAIRS  
PRIVATE BAG X152  
PRETORIA  
0001**