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**AGREEMENT**

**BETWEEN**

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

**AND**

**THE GOVERNMENT OF THE  
KINGDOM OF LESOTHO**

**ON**

**THE FACILITATION OF CROSS  
BORDER MOVEMENT OF CITIZENS**

**OF**

**THE REPUBLIC OF SOUTH AFRICA**

**AND**

**THE KINGDOM OF LESOTHO**

**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 separately as a "Party");

**RECALLING** that the Parties subscribe to the objectives of closer cooperation for mutual benefit as enshrined under article 2(7) read with Article 9 of the Kingdom of Lesotho / Republic of South Africa Joint Bilateral Commission Agreement of Cooperation signed on 19 April 2001;

**GUIDED** by the discussions held between the Parties regarding the facilitation of the movement of their respective citizens across the border;

**RECOGNISING** the geographic proximity and socio-economic interdependency that bind both countries;

**INSPIRED** by the aspiration to strengthen and intensify the existing close relationship among the citizens of both countries;

**BEING MUTUALLY DESIROUS** to deliver on improved service regarding the immigration clearance of their citizens who routinely cross the common border; and

**IN ORDER** to minimize the escalating costs;

**HEREBY AGREE** as follows:

**ARTICLE I  
DEFINITIONS**

In this Agreement, unless the context indicates otherwise—

"designated land ports of entry" means the approved ports of entry along the common land border between the Parties;

"examination" means the process of measuring a person's compliance with all the entry and departure requirements; and

"relevant legislation" means the immigration laws in force in the countries of the Parties.

**ARTICLE 2**  
**REGULATION OF ENTRY AND DEPARTURE**

- (1) The respective citizens of the Parties who hold valid national passports shall be permitted to enter into and depart from the territory of the other Party at the agreed and designated land ports of entry on their common border without having to report to an immigration officer for examination, provided they comply with the requirements of Articles 2(5), 3 and 5.
- (2) Such citizens shall only report to the immigration officers or any other duly appointed official in command of the perimeter gates of the respective countries' designated land ports of entry for purposes of verification of the validity and authenticity of their national passports prior to admission to and departure from the territory of the other Party.
- (3) Notwithstanding the provisions of sub-Articles (1) and (2), an immigration officer may for good cause subject a citizen of the Parties to an examination as defined in Article 1.
- (4) No entry and departure stamps shall be endorsed in the passports of such citizens at these land ports of entry and their individual movements shall not be recorded.
- (5) The Parties shall permit such *bona fide* citizens to enter and sojourn in their respective countries for the purposes of holiday, business and transit, without visas and / or temporary residence permits.

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**ARTICLE 3**  
**TEMPORARY AND PERMANENT RESIDENCE PERMITS**

Citizens of the Parties who wish to enter the territory of the other Party for purposes other than visiting shall be required to apply for the appropriate visas or permits at the Diplomatic or Consular Mission of the other Party in accordance with the relevant legislation, whereafter they shall, subject to the domestic law in force in their respective countries, also be exempted from reporting to an immigration officer for an examination on entering or departing from the territory of the other Party whilst such visas or permits are valid.

**ARTICLE 4**  
**LABOUR AGREEMENT**

Citizens of both countries whose employment in the territory of the other Party falls within the purview of the 1973 Agreement relating to the Establishment of a Lesotho Labour Office and the Movement of Persons across the Common Border, or any other Agreement in force governing labour issues between the Parties shall, subject to the domestic law in force in their respective countries, report to an immigration officer for examination only on their first entry after the date of issuance of each contract.

**ARTICLE 5**  
**DIPLOMATIC AND CONSULAR STAFF**

- (1) The procedure for obtaining visas or permits for representatives accredited in the territory of the other Party and their dependents shall continue to be governed by the Vienna Conventions on Diplomatic and Consular Relations.
- (2) The Parties shall facilitate the movement across the common border of such representatives and their dependents as referred to in sub-Article (1) by exempting them from the need to report to an immigration officer for

*Mr.*

*MR*

examination on entering or departing from the territory of the other Party for the duration of their accreditation.

- (3) Such representatives shall report to the immigration officers of the respective countries' designated land port of entry for purposes of verification of the validity and authenticity of their national passports and their visas or permits as may be relevant.

#### ARTICLE 6 EXCLUSIONS

- (1) The Parties shall exchange lists of names of any individual citizens who may be excluded from the privileges of this Agreement for reasons such as, but not limited to, security.
- (2) This Agreement shall not--
  - (a) exempt the citizens of the Parties from observing the Customs, Police and other requirements. Such citizens are also not exempt from the provisions of current or future extradition treaties.
  - (b) apply to citizens of the Parties who enter or depart from their respective territories through designated international airports;
  - (c) extend to citizens of the Parties wishing to cross the common border at any place other than the agreed and designated land ports of entry;
  - (d) apply to persons who are not citizens of the Parties.

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ARTICLE 7  
ADDITIONAL ANNEXES

The Parties shall develop such annexes as may be deemed necessary to facilitate the implementation of this Agreement and such annexes shall form an integral part of this Agreement.

ARTICLE 8  
COMMUNICATION AND COMPLIANCE

- (1) The Parties shall clearly communicate the terms and conditions of this Agreement to their respective citizens, as well as to third country nationals residing in their respective territories.
- (2) The Parties shall monitor the compliance of their respective citizens with the terms and conditions of this Agreement.

ARTICLE 9  
SAFETY AND SECURITY

- (1) In order to further protect the other Party from possible abuse of this Agreement, the Parties shall *inter alia* intensify their patrol of the borderline, secure their national passports and other enabling documents against fraud and fraudulent issuing, safeguard their national territories against abuse and ensure improved co-operation and exchange of information at all levels.
- (2) A task team established by the Parties shall develop an implementation framework to address any security issues that may arise from the implementation of this Agreement. The implementation framework shall be adopted by the Bilateral Commission established in terms of the 2001 Agreement between the Parties.

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**ARTICLE 10**  
**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 negotiations between the Parties.

**ARTICLE 11**  
**ENTRY INTO FORCE**

This Agreement shall enter into force on the date on which the Parties have notified each other in writing through the diplomatic channel of their compliance with their respective constitutional requirements necessary for the implementation of this Agreement. The date of entry into force shall be the date of last notification.

**ARTICLE 12**  
**AMENDMENTS**

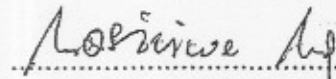
This Agreement may be amended by mutual consent of the Parties through an Exchange of Notes between the Parties through the diplomatic channel.

**ARTICLE 13**  
**DURATION AND TERMINATION**

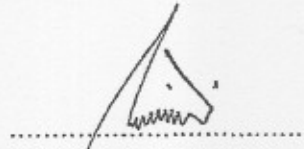
- (1) This Agreement shall remain in force until terminated in accordance with sub-Article (2).
  - (2) This Agreement may be terminated by either Party giving three months written notice in advance through the diplomatic channel of its intention to terminate it.
- M*
- MOS*

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

DONE at CAPE TOWN this 19<sup>th</sup> day of JUNE 2007.



FOR THE GOVERNMENT  
OF THE REPUBLIC OF  
SOUTH AFRICA



FOR THE GOVERNMENT  
OF THE KINGDOM OF  
LESOTHO





From:

12/06/2007 09:22 0123151743

To:00865144267

31/10/2008 09:42

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▲ STATE LAW ADVISORS

PAGE 02/08

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**AGREEMENT BETWEEN**  
**THE GOVERNMENT OF THE**  
**KINGDOM OF**  
**LESOTHO**  
**AND**  
**THE GOVERNMENT OF THE**  
**REPUBLIC OF SOUTH AFRICA**  
**ON**  
**THE FACILITATION OF CROSS**  
**BORDER MOVEMENT OF**  
**CITIZENS OF**  
**THE KINGDOM OF**  
**LESOTHO AND THE REPUBLIC OF SOUTH**  
**AFRICA**

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 AGREEMENT30 MAY 2007.docx

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31/10/2008 09:42

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▲ STATE LAW ADVISORS

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### PREAMBLE

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

**RECALLING** that the Parties subscribe to the objectives of closer cooperation for mutual benefit as enshrined under article 2 (7) read with article 9 of the Kingdom of Lesotho / Republic of South Africa Joint Bilateral Commission of Cooperation signed on 19 April 2001;

**GUIDED** by the discussions held between the Parties regarding the facilitation of the movement of their respective citizens across the border;

**RECOGNISING** the geographic proximity and socio-economic interdependency that bind both countries;

**INSPIRED** by the aspiration to strengthen and intensify the existing close relationship among the citizens of both countries;

**BEING MUTUALLY DESIROUS** to deliver on improved service regarding the immigration clearance of their citizens who routinely cross the common border;  
**IN ORDER** to minimize the escalating costs;

**HEREBY AGREE** as follows:

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## ARTICLE 1

### DEFINITIONS

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“examination” means the process of measuring a person’s compliance with all the entry and departure requirements;

“relevant legislation” means the immigration laws in force in the countries of the Parties.

## ARTICLE 2

### REGULATION OF ENTRY AND DEPARTURE

- (1) The respective citizens of the Parties who hold valid national passports shall be permitted to enter into and depart from the territory of the other Party at the agreed and designated land ports of entry on their common border without having to report to an immigration officer for examination, provided they comply with the requirements of Articles 2(5), 3 and 5.
- (2) Such citizens shall only report to the immigration officers or any other duly appointed official in command of the perimeter gates of the respective countries’ ports of entry for purposes of verification of the validity and authenticity of their national passports prior to admission to and departure from the territory of the other Party.

- (3) Notwithstanding the provisions of sub-Articles (1) and (2), an immigration officer may for good cause subject a citizen of the Parties to an examination as contemplated in sub-Article (1).
- (4) No entry and departure stamps shall be endorsed in the passports of such citizens at these land ports of entry and their individual movements shall not be recorded.
- (5) The Parties shall permit such bona fide citizens to enter and sojourn in their respective countries for the purposes of holiday, business and transit, without visas and / or temporary residence permits.

ARTICLE 3

TEMPORARY AND PERMANENT RESIDENCE PERMITS

Note: In so far as South Africa's domestic law is concerned - see section 9 of the Immigration Act, 13 of 2002.

Citizens of the Parties who wish to enter the territory of the other Party for purposes other than visiting shall be required to apply for the appropriate visas or permits at the Diplomatic or Consular Mission of the other Party in accordance with relevant legislation, where after they shall, subject to the domestic laws in force in their respective countries, also be exempted from reporting to an immigration officer for examination on entering or departing from the territory of the other Party whilst such visas or permits are valid.

ARTICLE 4

LABOUR AGREEMENT

Citizens of both countries whose employment in the territory of the other Party falls within the purview of the 1973 Agreement relating to the Establishment of a Lesotho Labour Office and the Movement of Persons

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across the Common Border, or any other agreement in force governing labour issues between the Parties shall, subject to the domestic law in force in their respective countries, report to an immigration officer for examination only on their first entry after the date of issuance of each contract.

#### ARTICLE 5 DIPLOMATIC AND CONSULAR STAFF

- (1) The procedure for obtaining visas or permits for representatives accredited in the territory of the other Party and their dependents shall continue to be governed by the Vienna Conventions on Diplomatic and Consular Relations.
- (2) The Parties shall facilitate the movement across the common border of such representatives and their dependents as referred to in sub-Article (1) by exempting them from the need to report to an immigration officer for examination on entering or departing from the territory of the other Party for the duration of their accreditation.

#### ARTICLE 6 EXCLUSIONS

- (1) The Parties shall exchange lists of names of any individual citizens who may be excluded from the privileges of this Agreement for reasons such as, but not limited to, security.
- (2) This Agreement shall not—



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#### ARTICLE 9 SAFETY AND SECURITY

In order to further protect the other Party from possible abuse of this Agreement, the Parties shall *inter alia* intensify their patrol of the borderline, secure their national passports and other enabling documents against fraud and fraudulent issuing, safeguard their national territories against abuse and ensure improved co-operation and exchange of information at all levels.

#### ARTICLE 10 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 negotiations between the parties.

#### ARTICLE 11 ENTRY INTO FORCE

This Agreement shall enter into force on the date on which the Parties have notified each other in writing through the diplomatic channel of their respective constitutional requirements necessary for the implementation of this Agreement. The date of entry into force shall be the date of last notification.

#### ARTICLE 12 AMENDMENTS

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This Agreement may be amended by mutual consent through an Exchange of Notes.

**ARTICLE 13  
DURATION AND TERMINATION**

- (1) This Agreement shall remain in force until terminated by sub-Article (2).
- (2) This Agreement may be terminated by either Party giving three months written notice in advance through the diplomatic channel of its intention to terminate it.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by the respective Governments have signed and sealed this Agreement in duplicate in the English language, both text being equally authentic.

DONE at.....this.....day of....., 2007.

.....  
FOR THE GOVERNMENT  
OF THE KINGDOM OF  
LESOTHO

.....  
FOR THE GOVERNMENT  
OF THE REPUBLIC OF  
SOUTH AFRICA