



**TRADE AGREEMENT BETWEEN  
THE GOVERNMENT OF  
THE REPUBLIC OF SOUTH AFRICA  
AND  
THE GOVERNMENT OF  
THE SOCIALIST REPUBLIC OF VIETNAM**

**PREAMBLE**

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

**HAVING** regard to the new bonds of friendship between their countries;

**RECOGNISING** their mutual desire to establish relations with each other which will support, complement and extend co-operation between them;

**HAVING** to consolidate, strengthen and diversify the trade relations between their countries;

**CONVINCED** that such co-operation should be realised in an evolutionary and pragmatic fashion, as their policies develop;

**DESIRING** to strengthen their relations and to contribute jointly to international trade co-operation;

**HEREBY AGREE** as follows:



## ARTICLE 1

### Umbrella Provision

The Parties shall take all appropriate measures to facilitate and promote trade and economic relations between their countries in accordance with the domestic law of their respective countries and subject to obligations under international treaties, conventions and agreements to which they may be party.

## ARTICLE 2

### Most-Favoured-Nation Treatment

- (1) Each Party shall grant to the country of the other Party most-favoured-nation treatment in all matters relating to -
  - (a) customs duties and all other charges and taxes applicable to importation or exportation of goods as well as methods of levying such duties, charges and taxes;
  - (b) legal provisions pertaining to customs clearance, transit and storage;
  - (c) internal taxes and other levies of any kind applicable directly or indirectly to imported goods;
  - (d) methods effecting payments arising from the implementation of this Agreement and transfer of such payments;
  - (e) legal provisions pertaining to selling, purchasing, transportation, distribution and use of goods in the domestic market.
- (2) All matters relating to import and export licences or permission where such licenses or permissions are prescribed under its domestic law, each Party shall grant to the country of the other Party treatment not less favourable than the most favourable treatment granted to any third country.



### **ARTICLE 3**

#### **Products originating in a Third Country**

Subject to Article 2, any advantages, favours, privileges or immunities which a Party has granted or may grant to a third country in respect of any product originating in the territory of that third country or destined for its territory, shall be granted immediately and unconditionally by such Party in respect of like products originating in the territory of the other Party or destined to be imported into its territory.

### **ARTICLE 4**

#### **Exemptions from MFN**

The provisions of Articles 2 and 3 shall not be construed so as to provide for the granting or continuation of -

- (a) advantages which either Party has granted or may grant contiguous countries to facilitate frontier traffic;
- (b) advantages or preferences granted by either Party to any third country in accordance with a plurilateral preferential trade agreement;
- (c) advantages or preferences which either Party has granted or may grant under any scheme for the expansion of trade and economic co-operation among developing countries which scheme is open for participation by developing countries and to which either Party is or may become a party; or
- (d) advantages or preferences which result from the operation of a Customs Union or Free Trade Area or both, in which either Party is participating or may participate.



## **ARTICLE 5**

### **Promotion of Conduct of Trade and Economic Activities and the Exchange of Trade Information**

- (1) Each Party shall endeavour to promote the conduct of trade and economic activities within its territory in accordance with its domestic law and generally accepted international trade practices.
- (2) For the purpose of the proper implementation of this Agreement, the Parties shall exchange information which could contribute to the expansion of trade and commercial activities between their respective countries.

## **ARTICLE 6**

### **Facilitation of Transit of Goods**

Each Party shall, in accordance with its domestic law, provide freedom of transit of goods of the country of the other Party through its territory.

## **ARTICLE 7**

### **Facilitation of and Participation in Trade Fairs**

- (1) Each Party shall, for the purpose of this Agreement and subject to the relevant domestic law of its country, encourage enterprises and firms of the country of the other Party to organise trade fairs and exhibitions in the first mentioned country and shall actively facilitate the staging of such fairs and exhibitions.
- (2) Subject to its domestic law, a Party shall allow the importation from the country of the other Party, free from customs duties and other charges, of -
  - (a) the following goods destined for any fair, exhibition, demonstration,



seminar, congress or conference in the country of the other Party and not intended for sale, namely -

- (i) goods to be displayed, exhibited or demonstrated at such a fair, exhibition or demonstration;
  - (ii) goods necessary for the purpose of demonstrating foreign machines or apparatus to be displayed or exhibited;
  - (iii) advertising, demonstration and publicity materials (including posters, books, pamphlets, sound recordings, films and lantern slides) and apparatus for the use of such materials;
  - (iv) equipment including interpretation and sound recording apparatus; and
  - (v) construction and decorating materials and electrical fittings for the temporary stands or for the display or exhibition of the goods contemplated in subparagraph (i);
- (b) articles which, after having been exported, are returned for repairs, provided such articles are re-exported after such repairs.
- (3) The goods and instruments referred to in sub-article (2) shall not be disposed of in the country into which they are imported and shall be re-exported from that country unless prior permission of the competent authorities of that country has been received and payment of appropriate customs duties and taxes, if any, has been made in accordance with the domestic law in force in the respective country.



## **ARTICLE 8**

### **Payment Arrangement**

All payments for goods and services arising from the implementation of this Agreement shall be effected in freely convertible currencies in accordance with the domestic law of the respective countries.

## **ARTICLE 9**

### **Safeguard Measures**

Subject to the requirement that such measures are not applied in an arbitrary or discriminatory manner, the provisions of this Agreement shall not limit the rights of either Party to adopt or execute measures :

- (a) for reasons of public health, morals, order or security;
- (b) for the protection of plants and animals against diseases and pests;
- (c) to safeguard its external financial position and balance of payments; or
- (d) to protect national treasures of artistic, historical or archaeological value.

## **ARTICLE 10**

### **Establishment of a Joint Trade Committee**

- (1) In order to facilitate the effective implementation of this Agreement, to further extend the trade and economic relations between their countries and to review the working of this Agreement, the Parties shall establish a joint intergovernmental committee, hereinafter referred to as the Joint Committee.
- (2) The Joint Committee shall consist of representatives of the Republic of South



Africa on the one hand, and of representatives of the Socialist Republic of Vietnam on the other.

- (3) The Joint Committee shall act by mutual agreement.
- (4) The Joint Committee shall meet as required and as agreed by the Parties, and at such venues alternately designated by the Parties.

#### **ARTICLE 11**

##### **Settlement of Disputes**

- (1) Any dispute as to the interpretation and the implementation of this Agreement shall be resolved through consultations within the Joint Committee.
- (2) Either Party may refer a matter to the Joint Committee if it considers such a matter to be incompatible with the proper functioning of this Agreement.
- (3) The Parties shall supply the Joint Committee with all relevant information required for a thorough examination of any dispute with a view to seeking a solution acceptable to the Parties.

#### **ARTICLE 12**

##### **Termination of Contracts**

The provisions of this Agreement shall continue to be applied in respect of contracts concluded during its period of validity, but not fulfilled on the date of its termination

#### **ARTICLE 13**

##### **Competent Authorities**

The competent authorities responsible for the implementation and application of this Agreement and other matters relating thereto shall be-

- (1) in the case of the Republic of South Africa, its Department of Trade and



- Industry; and
- (2) in the case of the Socialist Republic of Vietnam, its Ministry of Trade.

#### ARTICLE 14

##### Amendment and Entry into Force of the Agreement

- (1) This Agreement may be amended at any time by mutual consent of the Parties through an Exchange of Notes between the Parties through the diplomatic channel.
- (2) The amendment or the termination of this Agreement shall not adversely affect or in any way prejudice any rights or obligations accrued to or incurred by virtue of the application of this Agreement prior to the effective date of such amendment or termination.
- (3) This Agreement shall enter into force on the date on which each Party has notified the other in writing through the diplomatic channel of its compliance with the constitutional requirements necessary for the implementation thereof. The date of entry into force shall be the date of the last notification.
- (4) The Agreement shall remain in force for a period of three years, whereafter it shall automatically be extended for similar periods unless, within a minimum period of three months prior to the expiration of the current period of validity, either Party submits to the other a written notice of its intention to terminate the Agreement.





IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed and sealed this Agreement in two originals in the English and Vietnamese languages, both texts being equally authentic, but in the case of an irreconcilable conflict between the two texts, the English text shall prevail.

DONE at Pretoria on this the 25th day of  
April 2000

FOR THE GOVERNMENT  
OF THE  
REPUBLIC OF SOUTH AFRICA

FOR THE GOVERNMENT  
OF THE  
THE SOCIALIST REPUBLIC OF VIETNAM