

MALARIA CONTROL PROTOCOL

ON

THE LUBOMBO SPATIAL DEVELOPMENT INITIATIVE

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA,

THE GOVERNMENT OF THE KINGDOM OF SWAZILAND

AND

THE GOVERNMENT OF THE REPUBLIC OF MOZAMBIQUE

Contents

	Page
PREAMBLE	3
1. DEFINITIONS.....	3
2. MALARIA CONTROL OBJECTIVES	4
3. UNDERTAKING BY PARTIES	6
4. ESTABLISHMENT AND CONSTITUTION OF REGIONAL MALARIA CONTROL COMMISSION	6
5. DUTIES AND POWERS OF REGIONAL MALARIA CONTROL COMMISSION	7
6. FUNCTIONING OF REGIONAL MALARIA CONTROL COMMISSION	8
7. FINANCIAL ARRANGEMENTS	8
8. DISPUTE SETTLEMENT.....	9
9. ANNEXURES	9
10. AMENDMENT OF PROTOCOL AND ENTRY INTO FORCE OF AMENDMENT	9
11. ENTRY INTO FORCE OF PROTOCOL.....	10
12. DEPOSIT WITH UNITED NATIONS	10

Preamble

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

DESIRING the enhancement of the conditions of life of the people of the Region by, inter alia, the control of malaria in the Region;

RECOGNISING that the Region falls within a historically endemic area of malaria which, if unchecked, will continue to have a significantly detrimental effect on potential economic development, in particular in the agricultural and tourism economic sectors, of the Region;

CONSIDERING that the Region encompasses part of the highest risk malaria areas in South Africa and Swaziland, which areas border southern Mozambique, a hitherto uncontrolled malaria area;

RECOGNISING that the Region can be considered as one system irrespective of borders with respect to ecological and climatological factors during malaria transmission;

ACKNOWLEDGING that dual parasite and vector mosquito reduction intervention programmes have had a significantly positive effect on limiting malaria distribution in South Africa and Swaziland;

CONSIDERING that the extension of the malaria control programme to southern Mozambique, in close co-ordination with such programmes in South Africa and Swaziland, will have a positive effect in the Mozambique, South African and Swaziland parts of the Region;

RECORDING that to enhance the conditions of life of the people in the Region, the Parties initiated a Lubombo Spatial Development Initiative;

RECOGNISING that economic development in the Region can be facilitated and promoted by co-operation among the Parties in the area of health policy and, in particular, malaria control;

HEREBY AGREE as follows:

ARTICLE 1

Definitions

In this Protocol, unless the context otherwise indicates -

"Annexure" means any annexure to this Agreement;

"domestic law" means the domestic law and constitutional requirements in force in the country of a Party;

"General Protocol" means the General Protocol on the Lubombo Spatial Development Initiative entered into on 5th of July 1999, by the Republic of Mozambique, the Republic of South Africa and the Kingdom of Swaziland;

"Lubombo Spatial Development Initiative" or **"LSDI"** means the Spatial Development Initiative geographically defined as the areas of Southern Mozambique: Eastern Swaziland and North-Eastern KwaZulu Natal.

"Malaria Control Objectives" means the general and specific objectives set forth in Article 2;

"Ministerial Committee" means the Trilateral Ministerial Committee on the Lubombo Spatial Development Initiative established pursuant to the General Protocol;

"Objectives" means the objectives as defined in the General Protocol and as set forth in Article 2;

"Region" means the geographical area defined in the General Protocol;

"Representative" means any Representative of the Task Team;

"RMCC" means the Regional Malaria Control Commission established pursuant to Article 4;

"Spatial Development Initiative" means a programme of strategic initiatives by the Parties aimed at developing the economic potential of the Region by achieving, inter alia, the Objectives;

"Task Team" means the Trilateral Task Team established pursuant to the General Protocol.

ARTICLE 2

Malaria Control Objectives

- (1) The general Malaria Control Objectives of the Parties, in the context of the Objectives, are -
 - (a) to reduce significantly the incidence of malaria morbidity and mortality and strengthen the infrastructure for malaria case management in the Region thus facilitating economic development in the Region;

- (b) to liaise closely with the initiatives currently being set in place for integrated management of childhood illness;
- (c) to provide a platform for the creation of management of malaria control through the creation of a Geographic Information System ("GIS") in the Region;
- (d) to demonstrate a cost-effective programme for the control of malaria appropriate for the Southern African region; and
- (e) to establish a close, co-operative working relationship among the Parties in respect of a unified approach to malaria control in the Region and elsewhere.

(2) The specific Malaria Control Objectives of the Parties are -

- (a) to reduce the incidence of malaria in Maputo Province ("MP") and thus contribute to its reduction in the adjoining border areas of South Africa and Swaziland;
- (b) accordingly, to reduce in MP the incidence of *Plasmodium falciparum* ("Pf") infections in from 400 per 1000 to less than 20 per 1000 within 5 years after initiation of the programme in MP;
- (c) to reduce, as a consequence, the incidence of Pf infections in the border areas of South Africa and Swaziland in the Region from 250 per 1000 to less than 5 per 1000 within 5 years;
- (d) to reduce mosquito vector densities in MP;
- (e) to establish a plan for continuous monitoring and evaluation of interventions;
- (f) to train community members to spray houses for malaria vector control, to recognise symptoms of the disease and to work in concert with health-care centres in terms of health education;
- (g) to ensure the inclusion of malariologists as part of planning teams in water resource development projects;
- (h) to provide tourist information booklets which contain definitive malaria risk maps and prophylaxis guidelines; and
- (i) to ensure a collaborative response to malaria epidemics in the Region.

ARTICLE 3

Undertaking by Parties

In furtherance of the Objectives and the Malaria Control Objectives, the Parties shall -

- (a) grant to the RMCC such powers and authorise the RMCC to perform such duties, under and subject to domestic law, as are necessary for the successful achievement of the Malaria Control Objectives and as are set forth in Article 5;
- (b) implement policies, procedures, or, where necessary, legislation or regulations to facilitate a co-ordinated approach to the Malaria Control Objectives by the Parties, with the advice and guidance of the RMCC;
- (c) consult and cooperate with each other in all appropriate ways to achieve the Malaria Control Objectives;
- (d) provide, if necessary, seed monies on an agreed basis in order to enable the RMCC to secure project funding and provide all reasonable assistance to the RMCC in identifying regional, international and government funding sources and in obtaining funds from such sources; and
- (e) review, on an ongoing basis, the progress of the RMCC in meeting the Malaria Control Objectives.

ARTICLE 4

Establishment and Constitution of Regional Malaria Control Commission

- (1) The Parties hereby record the establishment of the Regional Malaria Control Commission (heretofore entitled the "Regional Malaria Control Discussion Group"), the current members of which are listed in Annexure A.
- (2) The RMCC shall consist of appropriate expert representatives of each of the Parties in such number and proportion as may be agreed upon by the Parties from time to time.
- (3) The Minister responsible for the national health authority of the respective Parties (the "Responsible Minister") shall appoint as and when necessary replacement members to the RMCC, after due consultation with the Ministerial Committee and the Task Team. The Responsible Minister may at any time, after due consultation with the Ministerial Committee, terminate such appointment.

- (4) The Responsible Minister may appoint or invite such other persons as advisors or observers of the RMCC as may be necessary for achievement of the Malaria Control Objectives and as may be agreed by the Parties, and may at any time terminate such appointment or invitation.

ARTICLE 5

Duties and Powers of Regional Malaria Control Commission

The RMCC shall perform such authorised duties and exercise such powers as are granted to it in order to achieve the Malaria Control Objectives and in particular the following:

- (1) The RMCC shall establish a fund in order to achieve the Malaria Control Objectives (the "Fund").
- (2) The RMCC is authorised to solicit and accept contributions for the Fund and to allocate, apply and disburse the monies in the Fund to ensure the achievement of the Malaria Control Objectives.
- (3) The RMCC shall provide the Task Team and the Ministerial Committee on a bi-annual basis with three copies of the complete financial statements relating to the Fund and, on an annual basis, three copies of the complete independently audited financial statements of the Fund for the previous financial year.
- (4) The RMCC shall establish a detailed and budgeted malaria control plan for the Region, including capacity development elements towards long-term sustainability of control in the Region, and a detailed and budgeted management scheme for malaria control.
- (5) The RMCC shall establish a GIS platform, including population and facility based data to enable cost-effective management of malaria control in the Region.
- (6) The RMCC shall establish a plan to monitor intervention.
- (7) The RMCC shall establish a malaria health forum to provide annual feedback with regard to the RMCC's programme.
- (8) The RMCC shall establish a plan, including budget and timeline, for the drafting and updating of tourism information booklets as referred to in the Malaria Control Objectives.
- (9) The RMCC shall advise and report to the Task Team and the Ministerial Committee as they may reasonably require and shall identify and recommend the adoption and implementation of such policies and measures as may be necessary to ensure the achievement of the Malaria Control Objectives.

ARTICLE 6

Functioning of Regional Malaria Control Commission

- (1) The Parties hereby record that the RMCC (heretofore entitled the "Regional Malaria Control Discussion Group") have had discussion and planning meetings evidenced, inter alia, by the report reproduced in Annexure B.
- (2) Management meetings of the RMCC shall take place on a bi-annual basis at a time and venue as may be determined by the RMCC. The frequency of all other meetings shall be determined by the RMCC according to the requirements of the technical proposals produced by the RMCC and the time and venue of such meetings shall be determined by the RMCC.
- (3) Subject to the availability of appropriate funding, the RMCC shall establish a permanent secretariat to provide secretarial and organisational services to the RMCC.
- (4) The hosting member(s) of the RMCC shall be responsible for preparation and timeous distribution of the proposed agenda, the recording and distribution of the minutes and the making available of a suitable venue, unless such duties can be assumed by the permanent secretariat referred to in Article 6 (3).
- (5) All decisions of the RMCC shall be taken on the basis of consensus among the members but in the event of the RMCC failing to reach consensus, the matter under discussion shall be referred to the Task Team which, if unable to resolve the matter to the satisfaction of the RMCC, shall refer the matter to the Ministerial Committee.
- (6) The RMCC shall establish its own rules of procedure in so far as its internal structure and meetings are concerned.
- (7) The secretarial duties to the RMCC shall be supplied by the RMCC members hosting a particular meeting, unless such duties can be assumed by the permanent secretariat referred to in Article 6 (3).

ARTICLE 7

Financial Arrangements

- (1) Until such time as the Fund has sufficient monies pursuant to Article 5(2), each Party shall, in respect of all meetings of the RMCC, be responsible for all costs incurred in connection with the attendance and participation of its members, advisers and observers on the RMCC.

- (2) At such time when the Fund has sufficient monies pursuant to Article 5(2), the RMCC members hosting a particular meeting of the RMCC shall be responsible for all costs incurred in making a venue available for the meeting, the preparation and distribution of the proposed agenda, the recording and distribution of the minutes, and the provision of secretarial services, unless any such costs are to be assumed by the permanent secretariat referred to in Article 6 (3).

ARTICLE 8

Dispute Settlement

- (1) If any dispute arises among any of the Parties as to the interpretation, application or performance of this Protocol, including its existence, validity or termination, such dispute shall be first referred by the Party to the other Parties for negotiation and amicable settlement.
- (2) If such dispute cannot be settled amicably, any Party may submit such dispute to final and binding arbitration in accordance with the Permanent Court of Arbitration Optional Rules for Arbitrating Disputes Between Two States, as in effect on the date of signature of this Protocol.
- (3) The appointing authority shall be the Secretary General of the Permanent Court of Arbitration at The Hague.

ARTICLE 9

Annexures

All Annexures hereto or to be added hereto form part of this Protocol.

ARTICLE 10

Amendment of Protocol and Entry into Force of Amendment

- (1) This Protocol may be amended by mutual agreement between the Parties.
- (2) An amendment mutually agreed to by the Parties shall enter into force on the date on which each Party has notified the other Parties through the usual diplomatic channels of its compliance with the constitutional requirements necessary for the implementation of the relevant amendment. The date of entry into force shall be the date of the last notification.

ARTICLE 11

Entry into Force of Protocol

- (1) This Protocol shall enter into force on the date on which each Party has notified the other Parties in writing through the usual diplomatic channels of its compliance with the constitutional requirements necessary for the implementation of this Protocol. The date of entry into force shall be the date of the last notification.
- (2) This Protocol shall terminate as between the terminating Party and the other Parties on a day three months after the date upon which such Party has given the other Parties notice in writing of the proposed termination.

ARTICLE 12

Deposit with United Nations

This Protocol shall be deposited with the United Nations Headquarters in New York.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed and sealed this Agreement in triplicate in the English language.

DONE at Johannesburg on this the 14th day of October In this year Nineteen Hundred and Ninety Nine.

FOR THE GOVERNMENT OF
THE REPUBLIC OF SOUTH AFRICA

FOR THE GOVERNMENT OF
THE KINGDOM OF SWAZILAND

FOR THE GOVERNMENT OF
THE REPUBLIC OF MOZAMBIQUE