



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 445 Pretoria 26 July 2002 No. 23670



AIDS HELPLINE: 0800-123-22 Prevention is the cure

GOVERNMENT NOTICE

DEPARTMENT: FOREIGN AFFAIRS

No. 1014**26 July 2002**

NOTICE

It is hereby published for general information that the Minister of Foreign Affairs has, in terms of section 6(2) of the Diplomatic Immunities and Privileges Act, 2001 (Act No. 37 of 2001), recognised the ACP and ACP-EU Fora on Research for Sustainable Development, to be held in Cape Town, South Africa from 26–30 July 2002. The aforementioned ACP and ACP-EU Fora are recognised for the purposes of granting the immunities and privileges to the participants in the Fora as stipulated hereunder and as has been provided for in Article 13 of the Agreement between the Republic of South Africa and the General Secretariat of the ACP Group of States regarding the Logistical and Technical Organisation and Protocol Arrangements of the ACP and ACP-EU Fora on Research for Sustainable Development.

Privileges and Immunities:

- (1) Subject to its domestic law, the Government shall accord delegates, observers, invited guests and all participants in the conference, while exercising their official functions in connection with the Forums, the following privileges and immunities:
 - (a) Immunity from personal arrest or detention and from any official interrogation;
 - (b) Immunity from legal process of every kind in respect of words spoken, written or acts performed or votes cast by them for and in the exercise of their functions;
 - (c) Exemption in respect of themselves and their spouses from immigration restrictions, aliens registration and from national service obligations whilst in South Africa for the purpose of attending the Forums;
 - (d) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
 - (e) The same immunities and facilities in respect of their personal and official baggage as are accorded to diplomatic envoys;
 - (f) Such other privileges immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy except that they shall have no right to claim exemption from customs duties on goods imported or from excise duties or sales taxes.
 - (2) Without prejudice to the provisions of sub-Article (1) and subject to the domestic law in force in the Republic of South Africa, all participants and persons performing a function in the framework of the conference shall benefit from privileges and immunities and the necessary considerations in the discharge of their functions.
 - (3) It is understood that privileges and immunities are accorded to the said individuals not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions at the Forums. Consequently, the General Secretariat not only has the right but is under a duty to waive the immunity of any representative in any case where in the opinion of the General Secretariat the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.
 - (4) The Government shall undertake to facilitate the entry and exit of all the persons referred to above and of any person carrying out functions relating to the conferences.
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