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GENERAL NOTICE

NOTICE 1588 OF 2002

NOTICE

BY THE MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF SOUTH AFRICA

RECOGNITION OF THE SYMPOSIUM ON THE USE OF SPACE TECHNOLOGY IN SUSTAINABLE DEVELOPMENT

In accordance with the powers vested in me by section 6 (2) of the Diplomatic Immunities and Privileges Act, 2001 (Act No. 37 of 2001), I hereby recognise the Symposium on the Use of Space Technology in Sustainable Developments, to be held in Stellenbosch, South Africa from 21–23 August 2002, for the purpose of granting the immunities and privileges set out in the agreement between the United Nations and the Government of the Republic of South Africa regarding the hosting of the Symposium in South Africa.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 19th day of August Two Thousand and Two.

MINISTER OF FOREIGN AFFAIRS

D. PRIVILEGES AND IMMUNITIES

The following terms shall apply to the Symposium:

1. (a) The Convention on the Privileges and Immunities of the United Nations (1946) shall be applicable in respect of the Symposium. The participants invited by the United Nations shall enjoy the privileges and immunities accorded to experts on mission for the United Nations under Article VI of the Convention. Officials of the United Nations participating in or performing functions in connection with the Symposium shall enjoy the privileges and immunities provided under Articles V and VII of the Convention. Officials of the Specialised Agencies participating in the Symposium shall be accorded the privileges and immunities provided under Articles VI and VIII of the Convention on the Privileges and Immunities of the Specialised Agencies (1947).
(b) Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and persons performing functions in connection with the Symposium shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Symposium.
(c) Personnel provided by the Government of South Africa pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Symposium.
2. All participants and all persons performing functions in connection with the Symposium shall have the right to unimpeded entry into and exit from South Africa. Visas and entry permits, where required, shall be granted free of charge on the same basis as granted to the participants of the World Summit on Sustainable Development. When applications are made four weeks before the opening of the Symposium, visas shall be granted not later than two weeks before the opening of the Symposium. If the application is made less than four weeks before the opening, visas shall be granted as speedily as possible and not later than three days before the opening.
3. The Government will be responsible for dealing with any action, claim or other demand and against the United Nations arising out of:
 - (i) Injury or damage to person or property in conference or office premises provided for the Symposium;
 - (ii) the transportation provided by University of Stellenbosch;
 - (iii) the employment for the Symposium of personnel provided or arranged by the University of Stellenboschand the Government shall hold the United Nations and its personnel harmless in respect of any such action, claim or other demand resulting from the performance of the services under this agreement, except where it is agreed by the Secretary-General of the United Nations and the Government that such actions, claims or demands arise from gross negligence or willful misconduct of such persons.
4. Any dispute concerning the interpretation or implementation of these terms except for a dispute subject to the appropriate provisions of the Convention on the Privileges and Immunities of the United Nations or of any other applicable agreement, shall, unless the parties otherwise agree, be submitted to a tribunal of three arbitrators, one of whom shall be appointed by the Secretary-General of the United Nations, one by the Government of South Africa, and the third, who shall be the chairman, by the other two arbitrators. If either party does not appoint an arbitrator or if the first two arbitrators do not within three months of the appointment or nomination of the second one of them appoint the chairman, then such arbitrator shall be nominated by the President of the International Court of Justice at the request of either party to the dispute. Except as otherwise agreed by the parties, the tribunal shall adopt its own rules of procedure, provide for the reimbursement of its members and the distribution of expenses between the parties, and take all decisions by a two-thirds majority. Its decisions on all questions of procedure and substance shall be final and, even if rendered in default of one of the parties, be binding on both of them.