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GENERAL NOTICE

NOTICE 2032 OF 2002



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

**RECOGNITION OF THE CONFERENCE OF MINISTERS OF FINANCE
AND MINISTERS OF PLANNING AND ECONOMIC DEVELOPMENT**

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 Conference of Ministers of Finance and Ministers of Planning and Economic Development, to be held in, Sandton, Johannesburg, South Africa from 16-21 October 2002, for the purpose of granting the immunities and privileges set out in the Schedule hereto.

MINISTER OF FOREIGN AFFAIRS

UNITED NATIONS
ECONOMIC COMMISSION
FOR AFRICA



NATIONS UNIES
COMMISSION ECONOMIQUE
POUR L'AFRIQUE

**AGREEMENT BETWEEN
THE UNITED NATIONS REPRESENTED BY THE
ECONOMIC COMMISSION FOR AFRICA
AND
THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA
ON THE ARRANGEMENTS FOR THE CONVENING OF
THE CONFERENCE OF MINISTERS OF FINANCE
AND
MINISTERS OF PLANNING AND ECONOMIC DEVELOPMENT**

Addis Ababa
Ethiopia

August 2002

SCHEDULE

ARTICLE X

Liability

1. The Government shall be responsible for dealing with any action, claim or other demand against ECA or its officials and arising out of:
 - a) Death of or injury to persons or damage to or loss of property in the premises referred to in Article III above;
 - b) Death of or injury to persons, or damage to or loss of property caused by or incurred in using the transport services referred to in Article VI above;
 - c) The employment for the Conference of the personnel provided by the Government under Article VIII.
2. The Government shall indemnify ECA and its staff for damages incurred in the performance of their official duties, not holding ECA liable for such action, claim or other demand except in cases where both the Government and the United Nations agree that those actions or claims arose from a serious misdemeanor on the part of a United Nations official.
3. The United Nations shall render reasonable assistance and shall exert its best efforts to make available to the Government relevant information, evidence and documents, which are in the possession of, or under the control of the United Nations, to enable the Government to deal with any action, claim or other demand contemplated in paragraph 1 of this Article.

ARTICLE XI

Privileges and immunities

1. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946 shall be applicable in respect of the Conference. In particular, the representatives of States referred to in Article II a), c) and e) above, shall enjoy the privileges and immunities provided under Article IV of the Convention. The ECA officials assigned to service the Conference shall enjoy the immunities and privileges referred to in Articles V and VII and mission experts working for ECA in connection with the Conference shall enjoy the privileges and immunities provided under Article VI of the Convention.
2. The representatives and observers referred to in Article II b), d), e), f) and g) shall enjoy immunity from legal process in respect of any act performed by them (including words spoken or written) in connection with their official participation in the Conference.
3. The personnel provided by the Government under Article VIII of 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 Conference.
4. The representatives of the specialized agencies or IAEA referred to in Article II c) above shall enjoy the privileges and immunities provided by the Convention on the

Privileges and Immunities of the Specialized Agencies or the Agreement on the Privileges and Immunities of IAEA, as appropriate.

5. Without prejudice to the preceding paragraphs of the present Article, all persons performing functions in connection with the Conference, including those invited to the Conference shall enjoy the privileges, immunities and facilities necessary for the independent exercise of their functions in connection with the Conference.
6. All persons referred to in Article II, all Laissez-Passer-holding United Nations staff assigned to service the Conference and all mission experts working for ECA in connection therewith, shall have the right of unimpeded entry into and exit from South Africa without let or hindrance to their transit from and to the Conference area. They shall be speedily and without charge be issued with such visas and entry permits as are required no later than two weeks before the date of the opening of the Conference. If the application is made less than three weeks before the opening of the Conference, the visa shall be granted not later than three days from the receipt of the application.
7. Arrangements shall also be made to ensure that visas for the duration of the Conference are issued at entry points to participants who may not have been able to secure them before departure. Entry visas required for persons coming from countries where there is no embassy or consulate of South Africa shall be issued as speedily as possible and at the latest, no less than three days before the opening of the Conference.
8. For the purposes of the Convention on the Privileges and Immunities of the United Nations, the Conference premises shall be considered United Nations domain within the meaning of Section 3 of the Convention (property, funds and assets) and access thereto shall be subject to United Nations authorization and clearance which, shall not be withheld in cases of emergency. The premises shall be inviolable for the duration of the Conference, including the preparatory and winding-up stages.
9. Conference participants and media representatives referred to in Article II, together with ECA staff assigned to the Conference and mission experts working for ECA in connection with the Conference shall have the right to take out of South Africa at the time of their departure, without any restriction, any unexpended portions of the funds they brought into South Africa in connection with the Conference and to reconvert any such funds at the official United Nations rate applicable at the time of initial conversion.
10. The Government shall allow the temporary importation, tax and duty free, of all equipment, including technical equipment accompanying representatives of information media, and shall waive import duties and levies on supplies necessary for the Conference. It shall issue without delay any necessary import and export permits for this purpose.

ARTICLE XII

Invitation to the meeting

The two parties agree to pursue a common strategy of ensuring maximum participation at ministerial level, and to call upon the South African Department of Foreign Affairs to involve, and solicit the support of, all African embassies based in Pretoria, which are member

States of the Commission to ensure maximum participation, as well as other initiative by the Ministry of Finance and the National Treasury Department. To this end, the Government of South Africa agrees to team up with ECA in ensuring the participation of African Ministers to the Conference.

ARTICLE XIII

Settlement of disputes

1. Any dispute arising on the interpretation or application of this Agreement, with the exception of disputes covered by relevant provisions of the Convention on Privileges and Immunities of the United Nations or any other relevant agreement, shall be submitted, unless the two parties agree otherwise, to a tribunal of three arbitrators, the first to be named by the Executive Secretary of ECA, the second by the Government and the third, who shall be the Chairperson, to be chosen by the two earlier nominees.
2. If either party fails to appoint an arbitrator within 90 days of notification by the other party of the name of its nominee or if the two nominees appointed fail to appoint a Chairperson within three months of the nomination or designation of the second among them, the President of the International Court of Justice shall, upon the request of one of the parties to the dispute, make the necessary nomination.
3. Unless the parties agree otherwise, the tribunal shall adopt its own rules of procedure, reimburse its members, share the costs among the parties and take all decisions by a two-thirds majority. Decisions on matters of procedure and substance cannot be appealed and shall be binding on both parties even if taken in the absence of one of the parties. This notwithstanding, any dispute of a substantive or procedural nature provided for under the Convention on the Privileges and Immunities of the United Nations shall be settled in consonance with section 30 of the Convention.

ARTICLE XIV

Final provisions

1. This Agreement may be modified by written agreement between ECA and the Government.
2. This Agreement shall enter into force immediately upon signature by the parties and shall remain in force for the duration of the Conference and for such a period thereafter as is necessary for all matters relating to any of these provisions to be settled.

Signed this day of 2002 at Addis Ababa in duplicate in English.

For the United Nations Economic Commission
for Africa

For the Government of the
Republic of South Africa

Name: Mr. K.Y. Amoako
Title: Executive Secretary

Name: _____
Title: Ambassador Extraordinary and
Plenipotentiary

The full text of the agreement may be obtained from the Department of Foreign Affairs,
1052 Arcadia street, Hatfield, Pretoria. Enquiries: SS Maqungo, Tel, (012) 351 0841

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