

**DEPARTMENT OF INTERNATIONAL RELATIONS AND CO-OPERATION
DEPARTEMENT VAN INTERNASIONALE BETREKKINGE EN SAMEWERKING**

No. 1012

30 October 2009

MINUTE

In accordance with the powers vested in me by sections 5(3) and 7(2) of the Diplomatic Immunities and Privileges Act, 2001 (Act No. 37 of 2001), I hereby recognise the Southern African Customs Union ("SACU") established in terms of the *2002 Southern African Customs Union (SACU) Agreement* and hereby accord to SACU and the officials of the SACU Secretariat the immunities and privileges set out in the attached Schedule.



Maite Nkoana-Mashabane (MP)
Minister of International Relations and Cooperation

Date: 27 July 2009

PRETORIA

SCHEDULE

Paragraph 1 *Inviolability of SACU*

Section 1

The property and assets of SACU, wherever located in the Republic and by whosoever held, shall enjoy immunity from every form of legal process, except insofar as in any particular case immunity shall have expressly been waived by the Executive Secretary of the Southern African Customs Union. Waiver of immunity from legal process shall not be held to imply waiver of immunity in respect of any measure of execution, for which a separate waiver shall be necessary.

Section 2

All records, correspondence, documents, manuscripts, computer records, still and motion pictures, films and sound recordings, belonging to or held by SACU in furtherance of its constitutional functions, shall be inviolable.

Paragraph 2 *Exemption from Taxation*

Section 3

With respect to all official activities, SACU, its assets, income and property shall be exempt from all forms of direct and indirect taxation; however, SACU will not claim exemption from taxes which are no more than charges for public utility services.

Section 4

SACU shall be exempt from customs duties, prohibitions and restrictions on goods imported or exported for its official purposes, including publications; it is understood, however, that articles imported under such exemption will not be sold in the Republic except under conditions agreed to with the Government.

Paragraph 3 **Officials of the SACU Secretariat**

Section 9

The Government shall accord to officials of the SACU Secretariat, immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity.

Section 10

Immunities are granted to officials of the SACU Secretariat in the interests of SACU only and not for the personal benefit of the individuals themselves. The Executive Secretary of SACU shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of SACU.

Paragraph 4***General*****Section 11**

It is a condition for the granting of the immunities and privileges that SACU shall cooperate at all times with the appropriate authorities of the Republic to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges and immunities set out in this Schedule.