



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 568

Pretoria, 11 October 2012
Oktober 2012

No. 35785

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GENERAL NOTICE

NOTICE 829 OF 2012

It is hereby published for general information that the Minister of International Relations and Cooperation has, in terms of section 5(3) of the Diplomatic Immunities and Privileges Act, 2001 (Act No. 37 of 2001), recognised the International Maritime Organization for the purposes of granting immunities and privileges set out in the Schedule hereto.

SCHEDULE

HOST AGREEMENT BETWEEN THE INTERNATIONAL MARITIME ORGANIZATION AND THE REPUBLIC OF SOUTH AFRICA FOR THE HOSTING OF THE DIPLOMATIC CONFERENCE FOR THE ADOPTION OF AN AGREEMENT ON THE IMPLEMENTATION OF THE 1993 PROTOCOL RELATING TO THE 1977 TORREMOLINOS CONVENTION ON THE SAFETY OF FISHING VESSELS, CAPE TOWN, SOUTH AFRICA, 9 -12 October 2012

2 Privileges and Immunities

2.1 The Host Government, as a Party to the Convention on Privileges and Immunities of the Specialized Agencies of the United Nations, (hereinafter referred to as "the Convention") shall grant to the Organization, to officials of the Organization and to delegates attending the Conference, while exercising their functions and during their journeys to and from the place of the Conference the privileges and immunities provided under section 39 of the aforementioned Convention as well as under articles 69, 70 and appendix II of the Convention on the International Maritime Organization, as amended. In particular, the Host Government shall grant to officials of the Organization and delegates to the Conference the following privileges and immunities while exercising their functions and during their journeys to and from the place of the Conference:

(a) Immunity:

- From personal arrest or detention and from seizure of their personal baggage; and
- In respect of words spoken or written and all acts done by them in their official capacity, from legal process of every kind;

(b) Inviolability for all papers and documents;

(c) The right to use codes and to receive papers or correspondence by courier or in sealed bags;

- (d) Exemption from immigration restrictions and aliens' registration in accordance with articles V and VI of the Convention;
 - (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions; and
 - (f) The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.
- 2.2 The Secretary-General of the Organization will provide the Host Government with a list of all the officials designated to serve in the Conference upon signature of this Agreement.
- 2.3 The facilities, privileges and immunities specified herein shall be granted for the duration of the Conference and of the stay in South Africa of all officials of the Organization and delegates to the Conference, including a ten (10)-day period before and a five (5)-day period following the Conference and will likewise apply to the venue of the Conference. The conference rooms will be available from the morning of 06 October 2012 to midnight on 14 October 2012.
- 2.4 The Secretary-General of the Organization shall be accorded in respect of himself and his spouse the privileges, immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.
- 2.5 The Organization shall be entitled to display its flag and emblem on the premises used for the Conference, and on the means of transport used by the Secretary-General.
- 2.6 The Host Government shall be under a special duty to take all appropriate steps to ensure the safety and security of the officials of the Organization and delegates to the Conference, as well as to protect the premises being used by the Organization for the Conference against any intrusion by unauthorized persons.
- 2.7 The Host Government undertakes to issue to the following persons, without delay and free of charge, any visa in their national passport or the United Nations Laissez Passer required to enter South Africa:
- (a) Representatives of States invited to the Conference;
 - (b) Officials of the Organization; and
 - (c) Representatives of international and other organizations and observers invited to the Conference.

- 2.8 The privileges and immunities herein are granted to officials of the Organization and delegates of IMO to the Conference in the interests of the Organization and not for personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official of the Organization in any case where, in his opinion, the immunity would impede the cause of justice and can be waived without prejudice to the interests of the Organization.
- 2.9 The Organization shall co-operate at all times with the appropriate authorities of the Host Government 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 and facilities mentioned herein.
- 2.10 For the purposes of this Agreement the term "officials of the Organization" includes all persons recruited by the Organization for the Conference, with the exception of those recruited locally in South Africa.
- 2.11 Nothing contained in this Agreement shall constitute a waiver, expressed or implied, of any privilege or immunity which the parties may enjoy, whether pursuant to the Convention on Privileges and Immunities of the Specialized Agencies of the United Nations or any other Convention or agreement, law, order or decree of an international or national character.
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Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
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Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
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