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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATIONS

NO. 1460

12 NOVEMBER 2019

**MINUTE**

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 Diplomatic Conference for the Adoption of the Protocol to the Convention on International Interests in Mobile Equipment on matters specific to Mining, Agricultural and Construction Equipment scheduled to take place in Pretoria from 11 to 22 November 2019 for the purposes of granting immunities and privileges to the participants as provided for in section 6(1).

In accordance with section 7(1) of the said Act, the immunities and privileges to be accorded to the Diplomatic Conference for the Adoption of the Protocol to the Convention on International Interests in Mobile Equipment on matters specific to Mining, Agricultural and Construction Equipment ("the MAC Protocol") scheduled to take place in Pretoria from 11 to 22 November 2019 is provided for in the Memorandum of Understanding between the Government of the Republic of South Africa and the International Institute for the Unification of Private Law regarding the Diplomatic Conference for the Adoption of the MAC Protocol.

A handwritten signature in black ink, reading 'G. N. M. Pandor', written over a horizontal line.

Dr. Grace Naledi Mandisa Pandor
Minister of International Relations and Cooperation

NOTICE

It is hereby published for general information that the Minister of International Relations and Cooperation has, in terms of section 6(2) of the Diplomatic Immunities and Privileges Act, 2001 (Act No. 37 of 2001), recognised the Diplomatic Conference for the Adoption of the Protocol to the Convention on International Interests in Mobile Equipment on matters specific to Mining, Agricultural and Construction Equipment (“the MAC Protocol”) scheduled to take place in Pretoria from 11 to 22 November 2019 for the purposes of granting immunities and privileges as provided for in the Memorandum of Understanding between the Government of the Republic of South Africa and the International Institute for the Unification of Private Law regarding the Diplomatic Conference for the Adoption of the MAC Protocol.

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW REGARDING THE DIPLOMATIC CONFERENCE FOR THE ADOPTION OF THE MAC PROTOCOL

**ARTICLE 11
PRIVILEGES AND IMMUNITIES**

- (1) The Convention on the Privileges and Immunities of the Specialized Agencies, adopted by the United Nations General Assembly on 21 November 1947 (hereinafter referred to as the “Convention”), shall be applicable in respect to the Conference. In particular—
 - (a) Article V of the Convention shall apply to representatives of States attending the Conference and referred to in Article 2 who produce official documentation attesting to their participation in the Conference;
 - (b) Article VI of the Convention shall apply to staff members of UNIDROIT who produce official documentation attesting to their accreditation to the Italian Government as either officers or employees of UNIDROIT.
- (2) There shall be no impediment of any person referred to in Article 2 to transit to and from the Conference and visas, where required, shall be issued as soon as possible on application to the relevant South African mission, and in accordance with the requirements of the domestic law of South Africa.
- (3) Subject to the requirement that all persons intending to participate in the Conference must, where necessary, obtain a valid visa for entry into South Africa prior to their departure for the Conference, entry into South Africa by all participants referred to in Article 2 shall be facilitated.
- (4) Privileges and immunities are granted to participants and staff members of the Parties in the interests of the Conference only and not for the personal benefit of the individual themselves. UNIDROIT shall have the right and the duty to waive the immunity of any officials in any case where, in its opinion, the immunity would impede the course of justice and the immunity can be waived without prejudice to the interests of UNIDROIT.
- (5) Notwithstanding any other provision, South African nationals who may represent foreign States, UNIDROIT or other organisations shall not be afforded more immunities and privileges than those allowed by the domestic law of South Africa, and may be subjected to taxation or immigration requirements where the domestic law of South Africa so requires.

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