

No. 45068*

**South Africa
and
International Institute for Democracy and Electoral Assistance**

Agreement between the Government of the Republic of South Africa and the International Institute for Democracy and Electoral Assistance (IDEA) regarding the establishment of the IDEA Regional Office in South Africa. Pretoria, 27 September 2006

Entry into force: *27 September 2006 by signature, in accordance with article 13*

Authentic texts: *English*

Registration with the Secretariat of the United Nations: *South Africa, 18 June 2008*

**Afrique du Sud
et
Institut international pour la démocratie et l'assistance électorale**

Accord entre le Gouvernement de la République sud-africaine et l'Institut international pour la démocratie et l'assistance électorale (IDEA) portant création d'un Bureau régional de l'IDEA en Afrique du Sud. Pretoria, 27 septembre 2006

Entrée en vigueur : *27 septembre 2006 par signature, conformément à l'article 13*

Textes authentiques : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 18 juin 2008*

* *The text reproduced below is the original text of the agreement as submitted. For ease of reference, it was sequentially paginated. The final UNTS version of it is not yet available.
Le texte reproduit ci-dessous est le texte authentique de l'accord tel que soumis pour enregistrement. Pour référence, il a été présenté sous forme de la pagination consécutive.
La version finale RTNU n'est pas encore disponible.*

[ENGLISH TEXT – TEXTE ANGLAIS]

Preamble

The Government of the Republic of South Africa and the International Institute for Democracy and Electoral Assistance (IDEA) (hereafter referred to in the singular as a “Party” and in the plural as the “Parties”)

NOTING that IDEA was established at a Founding Conference in Stockholm on 27 February 1995 by Agreement between the following countries: Australia, Barbados, Belgium, Chile, Costa Rica, Denmark, Finland, Norway, Portugal, South Africa, Spain and Sweden;

RECOGNISING that IDEA has been established in order to nurture and support sustainable democracy worldwide;

RECALLING the decision of IDEA’s Council in June 2003 to establish regional offices for Africa and Asia in order to provide a base of IDEA’s operations in each Continent and to assist liaison with IDEA Member States;

DESIRING to establish IDEA’s regional office for Africa and the Middle East in South Africa;

CONSIDERING that it is desirable to conclude an agreement to regulate certain matters relating to the establishment of the IDEA regional office for Africa and the Middle East;

HEREBY AGREE as follows:

ARTICLE 1
Definitions

Section 1

In this Agreement the expression:

- (a) “*appropriate Republic of South Africa authorities*” means such national or other authorities in the Republic of South Africa as may be responsible in the context and in accordance with the laws and customs applicable in the Republic of South Africa;
- (b) “*archives of IDEA*” includes all records, correspondence, documents, manuscripts, computer records, still and motion pictures, films and sound recordings, belonging to or held by IDEA in the Republic of South Africa in furtherance of its constitutional functions;
- (c) “*Country*” means the Republic of South Africa;
- (d) “*Government*” means the Government of the Republic of South Africa;
- (e) “*Secretary-General*” means the Secretary-General of IDEA;

- (f) “*Regional Head of IDEA*” means the Regional Director for Africa and the Middle East of International IDEA based in Pretoria, Republic of South Africa;
- (g) “*IDEA Office*” means the Regional Offices of the International Institute for Democracy and Electoral Assistance in the Republic of South Africa;
- (h) “*member of the family*” means –
 - (i) the spouse;
 - (ii) any unmarried child under the age of 21 years;
 - (iii) any unmarried child between the ages of 21 and 23 years who is undertaking full-time studies at an education institution;
 - (iv) and any other unmarried child or other family member officially recognised as a dependant member of the family by IDEA; and who is issued with a diplomatic and official passport.
- (i) “*officials of IDEA*” means the professional staff assigned to IDEA in the Republic of South Africa, with the exception of those locally recruited staff who are not professional staff;
- (j) “*property and assets of IDEA*” means all property, including funds, income and other assets, belonging to IDEA or held or administered by IDEA in furtherance of its constitutional functions;
- (k) “*premises of IDEA*” means the office premises IDEA utilises for its official functions in the Republic of South Africa;
- (l) “*telecommunications*” means an emission, transmission or reception of written or verbal information, images, sound or information of any nature by wire, radio, satellite, optical fibre or any other electronic or electromagnetic means;

ARTICLE 2

Establishment of Offices

Section 2

1. The Government agrees to the establishment of an IDEA Office in the Country in order to perform its functions within its mandate, including but not limited to:
 - (i) promote and advance sustainable democracy in the region;
 - (ii) improve and consolidate democratic electoral processes in the region;
 - (iii) broaden the understanding and promote the implementation and dissemination of the norms, rules and guidelines that apply to multi-party pluralism and democratic processes;
 - (iv) strengthen and support national and regional capacity to develop the full range of democratic instruments;

- (v) provide a meeting-place for exchanges between all those involved in electoral processes in the context of democratic institution-building;
 - (vi) increase knowledge and enhance learning about democratic electoral processes; and
 - (vii) to promote transparency and accountability, professionalism and efficiency in the electoral process in the context of democratic development.
2. To achieve these goals the IDEA Office expects to engage in activities such as the following:
- (i) develop networks in the region (e.g. African Union, Pan-Africa Parliament, AAEA, SADC, ECOWAS and IGAD) in the sphere of electoral processes;
 - (ii) establish and maintain information services;
 - (iii) provide advice, guidance and support on the role of government and opposition, political parties, electoral commissions, an independent judiciary, the media and other aspects of the electoral process in a pluralistic democratic context;
 - (iv) encourage research and the dissemination and application of research findings within IDEA's sphere of competence;
 - (v) organize and facilitate seminars, workshops and training on free and fair elections in the context of pluralistic democratic systems; and
 - (vi) engage in other activities related to elections and democracy as the need arises.

ARTICLE 3 ***Juridical Personality***

Section 3

The Government recognises the juridical personality of the IDEA Office and in particular its capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property; and
- (c) to institute juridical proceedings.

Section 4

The IDEA Office shall enjoy in furtherance of its official functions, and subject to the provisions of this Agreement, treatment not less than favourable than that accorded to organisations of the United Nations. IDEA shall have the right to display and make use at all time of the emblem of IDEA.

ARTICLE 4
Inviolability of the Premises

Section 5

- (a) The premises of the IDEA Office shall be inviolable. The property and assets of the IDEA Office, wherever located and by whomsoever 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 Secretary-General or the Regional Head of IDEA. 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.
- (b) No official of the Country or person exercising any public authority within the Country shall enter the premises to perform any duties therein except with the consent of and under conditions approved by the Regional Head of IDEA. The Regional Head of IDEA's consent to such entry shall be presumed in the event of fire or other analogous emergency requiring urgent action.
- (c) The premises shall not be used in any manner incompatible with the mandate of IDEA.

Section 6

The archives of IDEA belonging to, or held by, it shall be inviolable.

Section 7

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

Section 8

The IDEA Office 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 exemptions will not be sold in the Country except under conditions agreed to with the Government.

Section 9

While the IDEA Office will not, as a general rule, claim exemption from excise duties and from taxes on the purchase or sale of movable and immovable property forming part of the property and assets of IDEA, which form part of the price to be paid, nevertheless when the IDEA Office makes important purchases of such property for official use, on which such duties and taxes have been charged or are chargeable, the Government will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.