

No. 48081. South Africa, African Development Bank and African Development Fund

AGREEMENT BETWEEN THE AFRICAN DEVELOPMENT BANK AND THE AFRICAN DEVELOPMENT FUND AND THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA REGARDING THE ESTABLISHMENT OF THE REGIONAL OFFICE OF THE AFRICAN DEVELOPMENT BANK AND THE AFRICAN DEVELOPMENT FUND ON THE TERRITORY OF THE REPUBLIC OF SOUTH AFRICA. CAPE TOWN, 11 JUNE 2009 [*United Nations, Treaty Series, vol. 2715, I-48081.*]

PROTOCOL AMENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE AFRICAN DEVELOPMENT BANK AND THE AFRICAN DEVELOPMENT FUND REGARDING THE ESTABLISHMENT OF THE REGIONAL OFFICE OF THE AFRICAN DEVELOPMENT BANK AND THE AFRICAN DEVELOPMENT FUND ON THE TERRITORY OF THE REPUBLIC OF SOUTH AFRICA, SIGNED AT CAPE TOWN ON 11 JUNE 2009. PRETORIA, 18 AUGUST 2017*

Entry into force: 18 August 2017 by signature, in accordance with article 8

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N° 48081. Afrique du Sud, Banque africaine de développement et Fonds africain de développement

ACCORD ENTRE LA BANQUE AFRICAINE DE DÉVELOPPEMENT ET LE FONDS AFRICAIN DE DÉVELOPPEMENT ET LE GOUVERNEMENT DE LA RÉPUBLIQUE SUD-AFRICAINE CONCERNANT LA CRÉATION DU BUREAU RÉGIONAL DE LA BANQUE AFRICAINE DE DÉVELOPPEMENT ET DU FONDS AFRICAIN DE DÉVELOPPEMENT SUR LE TERRITOIRE DE LA RÉPUBLIQUE SUD-AFRICAINE. LE CAP, 11 JUIN 2009 [*Nations Unies, Recueil des Traités, vol. 2715, I-48081.*]

PROTOCOLE MODIFIANT L'ACCORD ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE SUD-AFRICAINE ET LA BANQUE AFRICAINE DE DÉVELOPPEMENT ET LE FONDS AFRICAIN DE DÉVELOPPEMENT CONCERNANT LA CRÉATION DU BUREAU RÉGIONAL DE LA BANQUE AFRICAINE DE DÉVELOPPEMENT ET DU FONDS AFRICAIN DE DÉVELOPPEMENT SUR LE TERRITOIRE DE LA RÉPUBLIQUE SUD-AFRICAINE, SIGNÉ AU CAP LE 11 JUIN 2009. PRETORIA, 18 AOÛT 2017*

Entrée en vigueur : 18 août 2017 par signature, conformément à l'article 8

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PROTOCOL AMENDING THE AGREEMENT

BETWEEN

**THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA**

AND

**THE AFRICAN DEVELOPMENT BANK AND
THE AFRICAN DEVELOPMENT FUND**

**REGARDING THE ESTABLISHMENT OF
THE REGIONAL OFFICE OF**

**THE AFRICAN DEVELOPMENT BANK AND
THE AFRICAN DEVELOPMENT FUND**

**ON THE TERRITORY OF THE REPUBLIC OF
SOUTH AFRICA,**

SIGNED AT CAPE TOWN ON 11 JUNE 2009

PREAMBLE

The Government of the Republic of South Africa (hereinafter referred to as the “Government”), on the one part, and the African Development Bank and the African Development Fund (hereinafter referred to as the “Bank” and the “Fund”, respectively), on the other part;

DESIRING TO AMEND the *Agreement between the African Development Bank and the African Development Fund and the Government of the Republic of South Africa Regarding the Establishment of the Regional Office of the African Development Bank and the African Development Fund on the Territory of the Republic of South Africa*, signed at Cape Town, on 11 June 2009 (hereinafter referred to as the “Agreement”) in accordance with Article 16(2) thereof;

HEREBY AGREE as follows:

ARTICLE 1

The Agreement is hereby amended by the substitution of the term “Regional Office” with “Regional Resource Centre” or “the South Regional Directorate General Hub for Dialogue, Business Development, Donor Coordination, Co-financing and Resource Mobilization as well as the Bank Group Business Continuity Centre” throughout the text.

ARTICLE 2

The Agreement is hereby amended by the substitution of the terms “Resident Representative” and “Representative of the Bank” with “Director General”, or “Regional Director”, or Deputy Director General as well as “Regional Operations Managers” or “Country Managers” and “Resident Representatives” or any other Official of equivalent rank throughout the text.

ARTICLE 3

Article 1 (i) of the Agreement is hereby deleted and substituted by the following:
“Members of the Family” means the dependants of the Officials of the South Regional Directorate for Dialogue, Business Development, Donor Coordination, Co-financing and Resource Mobilization as well as the Bank Group Business Continuity Centre, and includes their spouses, minor children and other members of their family forming part of their household who are dependent on such Officials for financial support (including minor children not habitually residing with them) and are officially recognized as such by the Bank”.

And Article 1 (o) of the Agreement is hereby deleted and substituted by the following:

“The South Regional Directorate General Hub for Dialogue, Business Development, Donor Coordination, Co-financing and Resource Mobilization, including the Bank Group Business Continuity Centre” means the Office of the Bank in the Southern African Region located in Pretoria, South Africa and includes the principal office in Pretoria and any additional offices that may be established by the Bank with the agreement of the Government at other locations in the Republic of South Africa.”

ARTICLE 4

Article 2 (1) of the Agreement is hereby deleted and substituted by the following:

“The principal functions of the South Regional Directorate Hub for Dialogue, Business Development, Donor Coordination, Co-financing and Resource Mobilization including the Bank Group Business Continuity Centre shall be those as described in Article 7 of this Amendment.”

ARTICLE 5

Article 12 (1) (a) is hereby deleted and substituted by the following:

“The Director General of the South Regional Directorate Hub, the Deputy Director General, all Regional Operations Managers, all Country Managers and all Resident Representatives or other Officials designated by the Bank to that effect as equivalent to United Nations Officials with rank of P5 or D1 or above, who are not nationals or permanent residents of the Republic of South Africa, and the members of their families shall be accorded the same privileges and immunities, exemptions and facilities as are accorded to officials of comparable rank forming part of diplomatic missions.”

Article 12 (1) (d) of the Agreement is hereby deleted and substituted by the following:

“Officials of the South Regional Directorate Hub for Dialogue, Business Development, Donor Coordination, Co-financing and Resource Mobilization including those of the Bank Group Business Continuity Centre who are not nationals or permanent residents of the Republic of South Africa shall be granted the same level of immunities and privileges as that granted to officials of other similar international organizations (such as the International Bank for Reconstruction and Development (World Bank) and the International Monetary Fund (IMF)) accredited to the Republic of South Africa who are not nationals or permanent residents.”

And a new Article 12 (1) (f) is inserted in the Agreement to read as follows:

“Officials and Employees of the Bank who are not nationals or permanent residents of the Republic of South Africa travelling to the premises of the South Regional Hub for official reasons, including for Bank Group Business Continuity purposes, and members of their families shall be entitled to visa privileges and such waivers in that regard, as well as other travel facilities, agreed upon with the Republic of South Africa”.