DEFENSE

Status of Forces

Agreement Between the
UNITED STATES OF AMERICA
and SOUTH AFRICA

Exchange of Notes at Pretoria
April 9 and June 10, 1999

Entered into force June 10, 1999
NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“. . .the Treaties and Other International Acts Series issued
under the authority of the Secretary of State shall be competent
evvidence . . . of the treaties, international agreements other than
treaties, and proclamations by the President of such treaties and
international agreements other than treaties, as the case may be,
therein contained, in all the courts of law and equity and of maritime
jurisdiction, and in all the tribunals and public offices of the
United States, and of the several States, without any further proof
or authentication thereof.”
No. 412

The Embassy of the United States of America avails itself of this opportunity to renew to the Government of the Republic of South Africa the assurances of its highest consideration, and has the honor to refer to recent discussions between representatives of our two governments regarding issues related to the status of U.S. military personnel and civilian employees of the Department of Defense who may be present in the Republic of South Africa in connection with mutually agreed exercises and activities. As a result of these discussions, the Embassy has the honor to propose that such personnel be accorded the status equivalent to that accorded to administrative and technical staff of the United States Embassy under the Vienna Convention on Diplomatic Relations, and that they may enter and exit the Republic of South Africa with United States identification and with collective movement or individual travel orders. The Embassy further proposes that such personnel also be authorized to wear uniforms while performing official duties and to carry arms while on duty if authorized to do so by their orders; and that the Government of the Republic of South Africa accord duty-free importation and exportation as well as exemption from internal taxation on products, property, material and equipment imported into or acquired in the Republic of South Africa by the United States Government in connection with the mutually agreed exercises and activities.
Finally, the Embassy proposes that both governments waive any and all claims (other than contractual claims) against each other for damage, loss or destruction of the other’s property or injury or death to personnel of the parties arising out of the exercises and activities.

If the foregoing is acceptable to the Government of the Republic of South Africa, the Embassy has the further honor to propose that this Note, together with the reply of the Government of the Republic of South Africa, shall constitute an agreement between the two governments which shall enter into force on the date of that reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Government of the Republic of South Africa the assurances of its highest consideration.

Embassy of the United States of America

Pretoria, April 9, 1999
GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA DIPLOMATIC NOTE RESPONSE

The Government of the Republic of South Africa avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its highest consideration and refers to the Embassy’s Note, No 412 of 9 April 1999, which reads as follows:

The Embassy of the United States of America avails itself of this opportunity to renew to the Government of the Republic of South Africa the assurances of its highest consideration, and has the honour to refer to recent discussions between representatives of our two Governments regarding issues related to the Status of the United States of America military personnel and civilian employees of the United States Department of Defense who may be present in the Republic of South Africa in connection with mutually agreed exercises and activities. As a result of these discussions, the Embassy has the honour to propose that such personnel be accorded the status equivalent to that accorded to administrative and technical staff of the United States Embassy under the Vienna Convention on Diplomatic Relations, and that they may enter and exit the Republic of South Africa with United States of America identification and with collective movement or individual travel orders. The Embassy further proposes that such personnel also be authorized to wear uniforms while performing official duties and to carry arms while on duty if authorized to do so by their orders; and that the Government of the Republic of South Africa accord duty-free importation and exportation as well as exemption from internal taxation on products, property, material and equipment imported into or acquired in the Republic of South Africa by the United States Government in connection with the mutually agreed exercises and activities. Finally, the Embassy proposes that both Governments waive any and all claims (other than contractual claims) against each other for damage, loss or destruction of the other’s property or injury or death to personnel of the Parties arising out of the exercises and activities.

If the foregoing is acceptable to the Government of the Republic of South Africa, the Embassy has the further honour to propose that this Note, together with the reply of the Government of the Republic of South Africa, shall constitute an agreement between the two Governments which shall enter into force on the date of that reply.
The Government of the Republic of South Africa has the further honour to inform
the Embassy of the United States of America that the proposals set forth in the
Embassy's Note are acceptable to the Government of the Republic of South Africa
and to confirm that the Embassy's Note and this Note in reply shall constitute an
agreement between our two Governments which shall enter into force on this date.

(J. MODISE)
MINISTER OF DEFENCE

DATE 6 June 1989