

IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)

In the matter between:

CASE NO.:72068/09

LOUIS KAREL FICK	First Applicant
KWIKPAK (PVT) LTD	Second Applicant
LESLIE REGINALD DE JAGER	Third Applicant
AFRIFORUM (a Section 21 company)	Fourth Applicant

and

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA	First Respondent
THE MINISTER OF TRADE & INDUSTRY	Second Respondent
THE HIGH COMMISSIONER IN SOUTH AFRICA OF THE REPUBLIC OF ZIMBABWE	Third Respondent

ORDER

By agreement between the parties it is recorded that:

1. The proposed Bilateral Agreement for the Promotion and Reciprocal Protection of Investments (BIPPA) between the government of Zimbabwe and that of South Africa, to be concluded on 27 November 2009 in Harare, aims to create legal and other remedies for South African citizens over and above existing remedies in terms of international law.

2. The First and Second Respondent hereby give the Applicants (and other South African Citizens in the Applicants' position) the assurance that BIPPA does not affect existing rights or remedies in terms of other sources of international law, in particular those in terms of the Treaty of the Southern African Development Community (SADC).
3. Thus the efficacy of the rulings and orders by the SADC Tribunal in *Mike Campbell (Pvt) Ltd and Others v Republic of Zimbabwe* [2008] SADC (T) 02/2007 (28 November 2008) and *William Michael Campbell and Another v The Republic of Zimbabwe* [2009] SADC (T) 03/2009 (05 June 2009) is not affected by entering into the proposed BIPPA, which rulings and orders the Government of the Republic of South Africa respects and undertakes to honour in terms of its own obligations in terms of the SADC Treaty.
4. The matter is removed from the roll, with no order as to costs.

BY ORDER

REGISTRAR