

2010 FIFA WORLD CUP SOUTH AFRICA SPECIAL MEASURES BILL

General Comment as requested, deadline 7 July 2006

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The 2010 FIFA WORLD CUP SOUTH AFRICA SPECIAL MEASURES BILL (2010 FIFA Bill) was released for comment in early June 2006.

It is a deceptively short document, covering only eight pages and covering a number of sport and recreational issues relating to the 2010 FIFA World Cup, to be hosted in South Africa., as the title implies. Further the 'Special Measures' mentioned in the title cover a wide range of topics with extensive powers envisaged for various government departments.

This document deals in broad terms with the scope, structure and contents of the 2010 FIFA Bill.

This document aims to high light and discuss certain aspects of the 2010 FIFA Bill. This Bill forms a necessary and essential part of the Governments' compliance with the Government Guarantee, Organising Association Agreement and Declaration (herein after 'the 'Founding Documents') concerning FIFA's 2010 World Cup event, to be hosted in South Africa. It is possible that reasons for certain provisions exist which are not apparent to the author. This is not a definitive discussion of 2010 FIFA Bill.

Scope

The 2010 FIFA Bill aims to provide wide ranging and extensive powers to the Ministers of Trade and Industry, Agriculture and Land Affairs, Health and Safety and Security. These Ministers shall then be empowered to make regulations under this Act (once in force) in order to comply with the Founding Documents. At the time of writing such draft regulations were not yet available for comment. These regulations also provide for declaring non-compliance with these regulations an 'offence' which would entail criminal prosecution. The responsibilities of the Minister of Foreign Affairs and Home Affairs are directly covered in Sections 4 and 5.

The 2010 FIFA World Cup South Africa event

For the duration of the event venues and stadiums, work and employment, liquor control and control of medical personnel is to be managed by this Act and its intended Regulations.

The Minister of Trade and Industry may extend the protection afforded under Merchandise Marks Act 1941 for an unlimited time period.

Extensive provisions for the physical control of designated areas, such as stadiums is provided for, including access control, traffic-free zones and extensive rights of search and seizure by peace officers, apparently in addition to those rights normally enjoyed by the SAPS.

Visas & Work Permits

It is note worthy that the Act compels the Minister of Home Affairs (*'must issue'*) to issue visas and work permits to spectators and FIFA workers. Teams under the Act are not considered 'workers.' FIFA dignitaries may also be exempt from normal visa requirements. The compelling nature of Section 5 may be problematic.

Foreign medicine

The Act provides extensively for the import, use, prescription and control of foreign, unscheduled medicines and persons accompanying participating teams. Such use and activities by foreign medical personnel is limited to the duration of the event and only in relation to the team to which it is accredited. This seems acceptable as teams traditionally travel with own medical personnel and own medications, which due to language and cultural barriers may present unnecessary health hazards and cultural problems during the event.

The Act does not provide for emergency evacuation of injured individuals or export of medical specimens or corpses.

Liquor

It is clear that FIFA holds a financial monopoly over the right to market, distribute and sell alcohol at the events and the Act effectively limits commercial activity concerning alcohol during the event to FIFA approved vendors.

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