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PROCLAMATION

by the

President of the Republic of South Africa

No. R. 105

23 October 1998

IMMUNITIES AND PRIVILEGES TO BE CONFERRED ON THE PARTICIPANTS OF THE FOURTEENTH SESSION OF THE TECHNICAL WORKING GROUP OF THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL TO BE HELD IN PRETORIA FROM 2 TO 5 NOVEMBER 1998, THE JOINT MEETING BETWEEN THE TECHNICAL WORKING GROUP AND THE CONSULTATIVE SUB-GROUP OF LEGAL AND TECHNICAL EXPERTS, TO BE HELD FROM 6 TO 7 NOVEMBER 1998 IN PRETORIA, AND THE MEETING OF THE EXPANDED BUREAU OF THE FOURTH MEETING OF THE CONFERENCE OF PARTIES, TO BE HELD IN PRETORIA FROM 9 TO 10 NOVEMBER 1998

The immunities and privileges to be accorded to participants to the 14th session of the Technical Working Group of the Basel Convention, to be held in Pretoria from 2 to 5 November 1998, the Joint meeting between the Technical Working Group and the Consultative sub-group of legal and technical experts, to be held in Pretoria from 6 to

7 November 1998, and the meeting of the Expanded Bureau of the fourth meeting of the Conference of the Parties, to be held in Pretoria from 9 to 10 November 1998, are those contained in the relevant articles of the Convention on Privileges and Immunities of the United Nations of 1946 as follows -

"ARTICLE III

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 9

The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information on the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

Section 10

The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE IV

THE REPRESENTATIVES OF MEMBERS

Section II

Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during the journey to and from the place of meeting, enjoy the following privileges immunities:

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;

- (b) Inviolability for all papers and documents;
- (c) The right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens registration or national service obligations in the state they are visiting or through which they are passing in the exercise of their functions;
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys, and also;
- (g) Such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

Section 12

In order to secure, for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

Section 13

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations

and to conferences convened by the United Nations are present in a state for the discharge of their duties shall not be considered as periods of residence.

Section 14

Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 15

The provisions of Section 11, 12, and 13 are not applicable as between a representative and the authorities of the state of which he is a national or of which he is or has been the representative.

Section 16

In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

ARTICLE V

OFFICIALS

Section 17

The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. He shall submit these categories to the General Assembly.

Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

Section 18

Officials of the United Nations shall:

- (a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) Be exempt from taxation on the salaries and emoluments paid to them by the United Nations;
- (c) Be immune from national service obligations;
- (d) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (e) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;
- (f) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (g) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Section 19

In addition to the immunities and privileges specified in Section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses

and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 20

Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit to the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Section 21

The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

ARTICLE VI

EXPERTS ON MISSIONS FOR THE UNITED NATIONS

Section 22

Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) In respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed in the missions for the United Nations;
- (c) Inviolability for all papers and documents;
- (d) For the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Section 23

Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

ARTICLE VII

UNITED NATIONS LAISSEZ-PASSER

Section 24

The United Nations may issue United Nations laissez-passer to its officials. These laissez-passer shall be recognised and accepted as valid travel documents by the authorities of Members, taking into account the provisions of Section 25.

Section 25

Applications for visas (where required) from the holders of United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Section 26

Similar facilities to those specified in Section 25 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passer, have a certificate that they are travelling on the business of the United Nations.

Section 27

The Secretary-General, Assistant Secretaries-General and Directors travelling on United Nations laissez-passer on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

Section 28

The provisions of this article may be applied to the comparable officials of specialised agencies if the agreements for relationship made under Article 63 of the Charter so provide."

Given under my hand and the Seal of the Republic of South Africa, at Cape Town this Twelfth day of October One Thousand Nine Hundred and Ninety-eight.

N R MANDELA

PRESIDENT

By order of the President in Cabinet

L. Pello Jordan

MINISTER OF THE CABINET

PROKLAMASIE *deur die**President van die Republiek van Suid-Afrika*

No. R. 105

23 Oktober 1998

IMMUNITETE EN VOORREGTE WAT TOEGEKEN WORD AAN DEELNEMERS AAN DIE VEERTIENDE SESSIE VAN DIE TEGNIESE TAAKGROEP VAN DIE BASEL KONVENSIE OOR DIE BEHEER VAN OORGRENS-VERVOER VAN GEVAARLIKE AFVAL EN DIE WEGDOENING DAARVAN WAT VAN 2 TOT 5 NOVEMBER 1998 IN PRETORIA GEHOU WORD, DIE GESAMENTLIKE VERGADERING MET DIE TEGNIESE TAAKGROEP EN DIE ADVISERENDE SUBGROEP VAN REGS- EN TEGNIESE DESKUNDIGES WAT VAN 6 TOT 7 NOVEMBER 1998 IN PRETORIA GEHOU WORD EN DIE VERGADERING VAN DIE UITGEBREIDE BURO VAN DIE VIERDE VERGADERING VAN DIE KONFERENSIE VAN PARTYE WAT VAN 9 TOT 10 NOVEMBER 1998 IN PRETORIA GEHOU WORD

Die immunitete en voorregte wat toegeken sal word aan deelnemers aan die veertiende sessie van die Tegniese Taakgroep van die Basel Konvensie wat van 2 tot 5 November 1998 in Pretoria gehou word, die gesamentlike vergadering met die Tegniese Taakgroep en die adviserende subgroep van regs- en tegniese deskundiges wat van 6 tot 7 November 1998 in Pretoria gehou word en die vergadering van die Uitgebreide Buro van die vierde vergadering van die Konferensie van die Partye wat van 9 tot 10 November 1998 in Pretoria gehou word, is dié wat as volg in die tersaaklike artikels van die Verenigde Nasies se Konvensie oor Voorregte en Immunitete van 1946 vervat word:

ARTIKEL III

FASILITEITE MET BETREKKING TOT KOMMUNIKASIE

Seksie 9

Die Verenigde Nasies sal, vir sy kommunikasie in elke lid se gebied, nie minder goedgesind behandel word nie as ooreengestem met die regering van daardie lid en enige ander regering, insluitende hul diplomatieke taak met betrekking tot voorkeur, tariewe en belasting op posstukke, kabelgramme, telegramme, radiogramme, telefoto's, telefone en ander kommunikasie, asook mediatariewe vir inligting in die pers en oor die radio. Geen sensuur sal uitgeoefen word op amptelike korrespondensie en ander amptelike kommunikasie van die Verenigde Nasies nie.

Seksie 10

Die Verenigde Nasies sal die reg hê om kodes te gebruik en om sy korrespondensie deur middel van koerierdienste of in sakke, wat dieselfde Immuniteite en voorregte as diplomatieke koerierdienste en sakke het, te versend en te ontvang.

ARTIKEL IV

LEDE SE VERTEENWOORDIGERS

Seksie 11

Verteenwoordigers van lede van die hoof- en ondergeskikte organe van die Verenigde Nasies en van konferensies belê deur die Verenigde Nasies sal die volgende voorregte en immuniteite ontvang terwyl hul hul pligte uitvoer en gedurende die reis na en van die vergadering:

- a) Immunititeit teen persoonlike inhegtenisneming of aanhouding en inbeslagneming van hul persoonlike bagasie en immunititeit teen alle regsprosesse met betrekking tot woorde gesê of geskryf en alle handeling uitgevoer deur hulle in hul hoedanigheid as verteenwoordigers;
- b) Onaantasbaarheid ten opsigte van alle dokumente;
- c) Die reg om kodes te gebruik en dokumente of korrespondensie deur middel van koerierdienste of verseëelde sakke te ontvang;
- d) Met betrekking tot hulself en hul gades; ontheffing van immigrasiebepelings, buitelanderegistrasie of nasionale diensverpligtinge in die land wat hulle besoek of waardeur hulle reis in die uitvoering van hul pligte;
- e) Dieselfde fasiliteite vir valuta- en wisselbepelings as wat toegeken is aan verteenwoordigers van buitelandse regerings wat op tydelike amptelike sendings is;
- f) Dieselfde immunitette en fasiliteite vir hul persoonlike bagasie as wat aan diplomatieke gesante toegeken word en;
- g) Ander soortgelyke voorregte, immunitette en fasiliteite wat nie teenstrydig is met die voorafgaande nie en wat diplomatieke gesante ontvang, behalwe dat hulle nie die reg sal hê om ontheffing van doeaneregte op ingevoerde goedere (wat nie deel is van hul persoonlike bagasie nie), aksynsbelasting of verkoopsbelasting te eis nie.

Seksie 12

Om algehele vryheid van spraak en onafhanklikheid in die vervulling van hul pligte aan verteenwoordigers van lede van die hoof- en ondergeskikte organe van die Verenigde

Nasies en van konferensies belê deur die Verenigde Nasies te verleen, sal immunitet teen regsprosedure met betrekking tot woorde gesê of geskryf en alle handelinge uitgevoer deur hulle in die vervulling van hul pligte voortdurend toegeken word, ongeag of die betrokke persone nie meer verteenwoordigers van lede is nie.

Seksie 13

In die geval van enige vorm van belasting op grond van verblyf, sal die tydperke waartydens verteenwoordigers van lede van die hoof- en ondergeskikte organe van die Verenigde Nasies en van konferensies belê deur die Verenigde Nasies teenwoordig is in 'n land nie beskou word as verblyftydperke nie.

Seksie 14

Voorregte en immunitete word nie vir die persoonlike gewin van individue toegeken aan verteenwoordigers van lede nie, maar om die onafhanklike uitvoering van hul funksies rakende die Verenigde Nasies te waarborg. Gevolglik het 'n lid nie net die reg nie, maar is hy verplig om die immunitet van sy verteenwoordiger terug te trek in enige geval waar, volgens die mening van die lid, die immunitet die beloop van die gereg kan belemmer. Immunitet kan teruggetrek word sonder benadeling van die doel waarvoor die dit toegeken is.

Seksie 15

Die bepalings van Seksies 11, 12 en 13 is nie van toepassing tussen 'n verteenwoordiger en die owerheid van die land waarvan hy burger is, of waarvan hy 'n verteenwoordiger was of is nie.

Seksie 16

In hierdie artikel sal die uitdrukking "verteenwoordigers" alle afgevaardigdes, adjunk-afgevaardigdes, adviseurs, tegniese deskundiges en sekretarisse van afvaardigings insluit.

ARTIKEL V**BEAMPTES****Seksie 17**

Die Sekretaris-Generaal sal die kategorieë beamptes waarop hierdie artikel en Artikel VII van toepassing sal wees, spesifiseer. Hy sal hierdie kategorieë aan die Algemene Vergadering voorlê. Daarna sal die kategorieë oorgedra word aan die regerings van alle lede. Die name van beamptes wat in hierdie kategorieë ingesluit is, sal van tyd tot tyd bekend gemaak word aan die regerings van lede.

Seksie 18

Beamptes van die Verenigde Nasies sal:

- a) Immun wees teen regsprosesse met betrekking tot woorde gesê of geskryf en alle handellinge uitgevoer deur hulle in hul amptelike hoedanigheid;
- b) Onthef wees van belasting op salarisse en besoldiging aan hulle betaal deur die Verenigde Nasies;
- c) Immun wees teen nasionale diensverpligtinge;
- d) Immun wees, saam met hul gades en afhanklike familielede, teen immigrasiebeperkings en buitelanderegistrasie;

- e) Met betrekking tot wisselfasiliteite, dieselfde voorregte ontvang as dié toegeken aan die betrokke regering se beamptes met vergelykbare range wat deel vorm van diplomatieke sendings;
- f) Saam met hul gades en afhanklike familielede dieselfde repatriasiefasiliteite ontvang as diplomatieke gesante gedurende internasionale krisisse;
- g) Die reg hê om hul meubels belastingvry in te voer met ingang van die tydperk waarin hulle hul poste aanvaar in die betrokke land.

Seksie 19

Benewens die immunitete en voorregte gespesifiseer in Seksie 18, sal die voorregte en immunitete, ontheffings en fasiliteite wat toegeken word aan diplomatieke gesante, aan die Sekretaris-Generaal en Assistent Sekretaris-Generaal, met betrekking tot hulself, hul gades en minderjarige kinders, toegeken word ooreenkomstig die internasionale reg.

Seksie 20

Voorregte en immunitet word aan beamptes toegewys in die belang van die Verenigde Nasies en nie vir die persoonlike gewin van individue nie. Die Sekretaris-Generaal sal die reg en plig hê om die immunitet van enige beampte terug te trek in enige geval waar, na sy mening, die immunitet die beloop van die gereg kan belemmer. Immunitet kan teruggetrek word sonder benadeling van die belange van die Verenigde Nasies. In die geval van die Sekretaris-Generaal het die Veiligheidsraad die reg om immunitet terug te trek.

Seksie 21

Die Verenigde Nasies sal te alle tye met die toepaslike owerhede van Iede saamwerk om die ordelike administrasie van die reg te fasiliteer, die onderhouding van polisieregulasies te verseker en enige misbruik in verband met die voorregte, Immunitet en fasiliteite in hierdie artikel genoem, te voorkom.

ARTIKEL VI**DESKUNDIGES OP SENDINGS VIR DIE VERENIGDE NASIES****Seksie 22**

Deskundiges (buiten die beamptes binne die raamwerk van Artikel V) wat op sendings vir die Verenigde Nasies gaan, sal die voorregte en Immunitet ontvang wat nodig is vir die onafhanklike uitvoering van hul funksies gedurende die tydperk van hul sendings, ingesluit die tyd wat gespandeer word op reise rakende hul sendings. Die volgende sal spesifiek aan hulle toegeken word:

- a) Immunitet teen persoonlike inhegtenisneming of aanhouding en inbeslagneming van hul persoonlike bagasie;
- b) Immunitet teen regsprosesse van enige aard met betrekking tot woorde gesê of geskryf en handeling deur hulle uitgevoer in die loop van hul sending. Hierdie Immunitet teen regsprosesse sal voortdurend toegeken word, ongeag of die betrokke persone nie meer in diens staan van sendings vir die Verenigde Nasies is nie;
- c) Onaantasbaarheid ten opsigte van alle dokumente;
- d) Die reg om kodes te gebruik en dokumente of korrespondensie te ontvang deur middel van koerierdienste of in verseelde sakke vir kommunikasiedoeleindes met die Verenigde Nasies;

- e) Dieselfde fasiliteite vir valuta- of wisselbeperkings as wat toegeken is aan verteenwoordigers van buitelandse regerings wat op tydelike amptelike sendings is;
- f) Dieselfde Immunitete en fasiliteite vir hul persoonlike bagasie as wat aan diplomatieke gesante toegeken word.

Seksie 23

Voorregte en Immunitete word aan deskundiges toegewys in die belang van die Verenigde Nasies en nie vir die persoonlike gewin van individue nie. Die Sekretaris-Generaal het die reg en plig om die Immunitet van enige deskundige terug te trek in enige geval waar die vrystelling, na sy mening, die beloop van die reg kan belemmer. Dit kan teruggetrek word sonder benadeling van die belange van die Verenigde Nasies.

ARTIKEL VII

VERENIGDE NASIES LAISSEZ-PASSER

Seksie 24

Die Verenigde Nasies mag Verenigde Nasies laissez-passers aan sy beamptes uitreik. Dié laissez-passers sal deur die owerhede van lede erken en aanvaar word as geldige reisdokumente, met inagneming van die bepalings van Seksie 25.

Seksie 25

Aansoeke vir visas (waar vereis) van persone in besit van laissez-passers sal so gou as moontlik afgehandel word, indien dit vergesel word van 'n sertifikaat wat bevestig dat hulle op reis is vir sake van die Verenigde Nasies. Benewens dit, sal hierdie persone die geleentheid gegun word om vinnig te reis.

Seksie 26

Faciliteite soortgelyk aan dié gespesifiseer in Seksie 25, sal toegeken word aan deskundiges en ander persone wat, alhoewel nie in besit Verenigde Nasies laissez-passers nie, 'n sertifikaat het wat bevestig dat hulle op reis is vir sake van die Verenigde Nasies.

Seksie 27

Die selfde faciliteite wat toegeken word aan diplomatieke gesante sal aan die Sekretaris-Generaal, Assistent Sekretaris-Generaal en Direkteure wat reis met Verenigde Nasies laissez-passers vir sake van die Verenigde Nasies toegewys word.

Seksie 28

Die bepalings van hierdie artikel mag van toepassing gemaak word op soortgelyke beamptes van gespesialiseerde agentskappe, indien die ooreenkomste vir verhouding, gesluit onder Artikel 63 van die Handves, so bepaal.

Geteken onder my hand en met die Seël van die Republiek van Suid-Afrika, te Kaapstad hierdie Twaalfde dag van Oktober Eenduisend Negehonderd-agt-en-negentig.

N R MANDELA

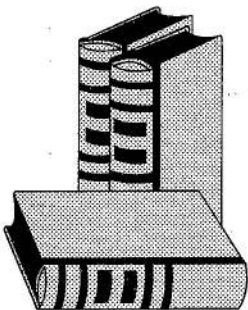
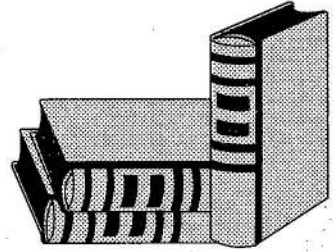
PRESIDENT

In opdrag van die President in die Kabinet.

F. Lillo Jordan

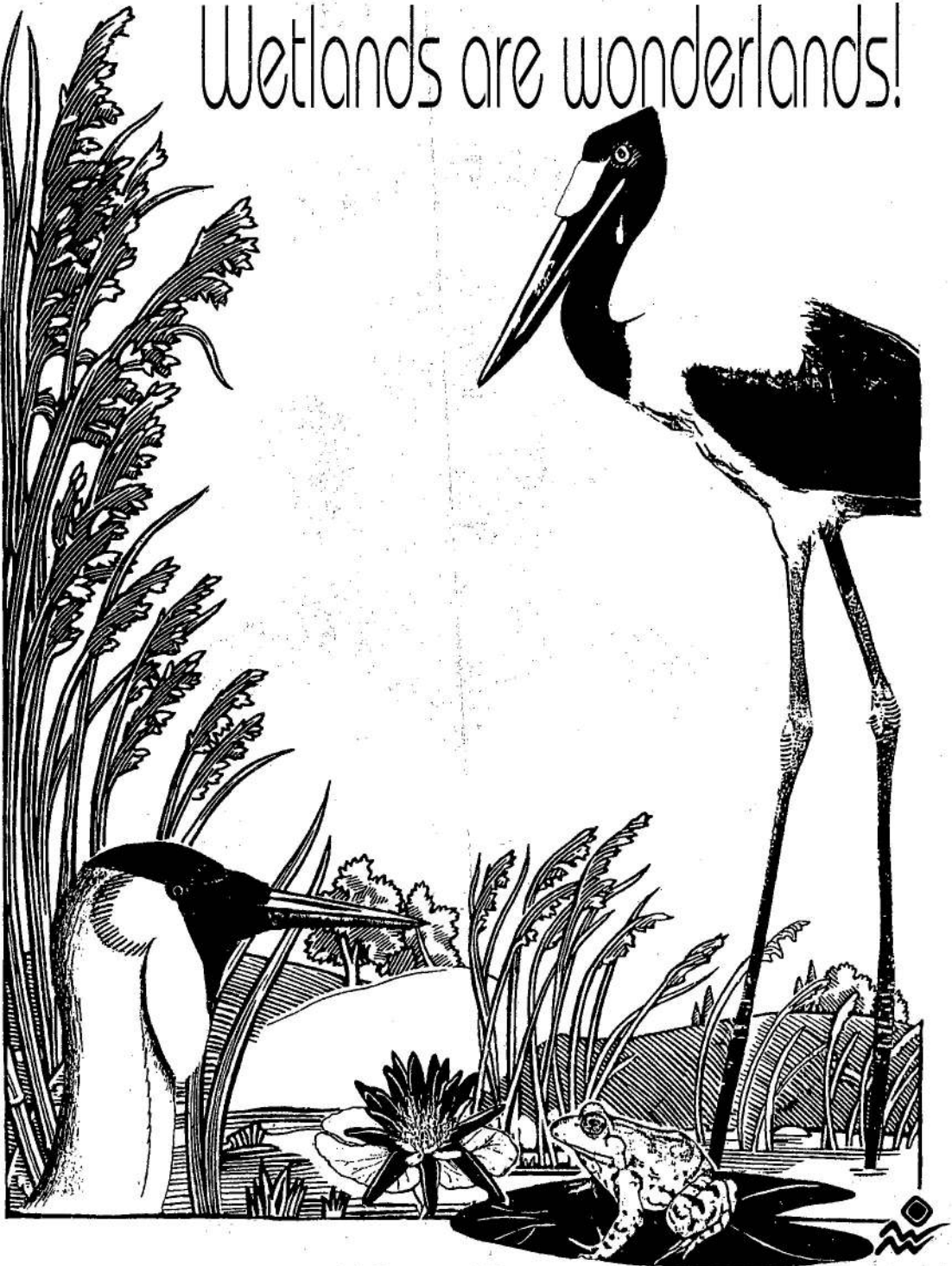
MINISTER VAN DIE KABINET

Where is the largest amount of meteorological information in the whole of South Africa available?



Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

Wetlands are wonderlands!



Department of Environmental Affairs and Tourism

Keep South Africa Clean



Throw trash where it belongs

Hou Suid-Afrika Skoon



Gooi rommel waar dit hoort

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