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REPUBLIEK VAN SUID-AFRIKA

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 Kaapstad,

THE PRESIDENCY

No. 1253

29 November 2001

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 37 of 2001: Diplomatic Immunities and Privileges Act, 2001.

DIE PRESIDENSIE

No. 1253

29 November 2001

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 37 van 2001: Wet op Diplomatieke Immuniteite en Voorregte, 2001.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

*(English text signed by the President.)
(Assented to 22 November 2001.)*

ACT

To make provision regarding the immunities and privileges of diplomatic missions and consular posts and their members, of heads of states, special envoys and certain representatives, of the United Nations, and its specialised agencies, and other international organisations and of certain other persons; to make provision regarding immunities and privileges pertaining to international conferences and meetings; to enact into law certain conventions; and to provide for matters connected therewith.

ARRANGEMENT OF SECTIONS

1. Definitions
2. Conventions have force of law
3. Immunities and privileges of diplomatic missions and consular posts, and of members of such missions and posts
4. Immunities and privileges of heads of state, special envoys and certain representatives
5. Immunities and privileges of the United Nations, specialised agencies and other international organisations
6. Immunities and privileges pertaining to international conferences or meetings convened in the Republic
7. Conferment of immunities and privileges
8. Waiver of immunities and privileges
9. Register of persons entitled to immunities or privileges
10. Restriction on immunities, privileges and exemptions
11. Adjustment of loss of revenue to municipalities and statutory public utility organisations
12. Acquisition, construction, relocation, renovation, replacement, extension or lease of immovable property in the Republic
13. Liability insurance requirements
14. Regulations
15. Offences and penalties
16. Repeal of laws
17. Short title and commencement

Schedule 1

Vienna Convention on Diplomatic Relations, 1961

Schedule 2

Vienna Convention on Consular Relations, 1963

Schedule 3

Convention on the Privileges and Immunities of the United Nations, 1946

Schedule 4

Convention on the Privileges and Immunities of the Specialised Agencies, 1947

*(Engelse teks deur die President geteken.)
(Goedgekeur op 22 November 2001.)*

WET

Om voorsiening te maak betreffende die immuniteit en voorregte van diplomatieke missies en konsulêre poste en hulle lede, van hoofde van state, spesiale gesante en sekere verteenwoordigers, van die Verenigde Nasies, en sy gespesialiseerde agentskappe, en ander internasionale organisasies en van sekere ander persone; om voorsiening te maak betreffende immuniteit en voorregte rakende internasionale konferensies en vergaderings; om sekere konvensies as wetgewing te verorden; en om voorsiening te maak vir aangeleenthede wat daarvan in verband staan.

INDELING VAN ARTIKELS

1. Woordomskrywing
2. Regskrag van Konvensies
3. Immuniteit en voorregte van diplomatieke missies en konsulêre poste, en van lede van sodanige missies en poste
4. Immuniteit en voorregte van hoofde van state, spesiale gesante en sekere verteenwoordigers
5. Immuniteit en voorregte van die Verenigde Nasies, gespesialiseerde agentskappe en ander internasionale organisasies
6. Immuniteit en voorregte rakende internasionale konferensies of vergaderings wat in Republiek gehou word
7. Verlening van immuniteit en voorregte
8. Afstanddoening van immuniteit en voorregte
9. Register van persone geregtig op immuniteit of voorregte
10. Beperking op immuniteit, voorregte en vrystellings
11. Aansuiwing van verlies aan inkomste vir plaaslike owerhede en statutêre openbare utiliteitsorganisasies
12. Verkryging, konstruksie, hervestiging, opknapping, vervanging, uitbreiding of huur van onroerende eiendom in Republiek
13. Vereistes vir aanspreeklikheidsversekering
14. Regulasies
15. Misdrywe en strawwe
16. Herroeping van wette
17. Kort titel en inwerkintreding

Bylae 1

Weense Konvensie op Diplomatieke Betrekkinge, 1961

Bylae 2

Weense Konvensie op Konsulêre Betrekkinge, 1963

Bylae 3

Konvensie op die Voorregte en Immuniteit van die Verenigde Nasies, 1946

Bylae 4

Konvensie op die Voorregte en Immuniteit van die Gespesialiseerde Agentskappe, 1947

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise—
 - (i) “**Director-General**” means the Director-General: Foreign Affairs; 5
 - (ii) “**Minister**” means the Minister of Foreign Affairs;
 - (iii) “**municipality**” means a municipality established in terms of Chapter 2 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998);
 - (iv) “**organisation**” means an intergovernmental organisation of which two or more states or governments are members and which the Minister has 10 recognised for the purposes of this Act;
 - (v) “**regulation**” means a regulation made under section 13;
 - (vi) “**special envoy or representative**” means a person duly authorised by the sending state, government or organisation to undertake a special mission or task in the Republic on behalf of such state, government or organisation; 15
 - (vii) “**specialised agency**” means any agency contemplated in paragraph (ii) of section 1 of Article I of the Convention on the Privileges and Immunities of the Specialised Agencies, 1947, and which the Minister has recognised for purposes of this Act;
 - (viii) “**the Convention on the Privileges and Immunities of the Specialised Agencies, 1947**” means the Convention on the Privileges and Immunities of the Specialised Agencies, adopted on 21 November 1947, as may be applicable in the Republic in accordance with the reservations made by South Africa upon its accession thereto and which is set out in Schedule 4 to this Act; 20
 - (ix) “**the Convention on the Privileges and Immunities of the United Nations, 1946**” means the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946, as may be applicable in the Republic in accordance with the reservations made by South Africa upon its accession thereto and which is set out in Schedule 3 to this Act; 25
 - (x) “**the Conventions**” means the Convention on the Privileges and Immunities of the United Nations, 1946, the Convention on the Privileges and Immunities of the Specialised Agencies, 1947, the Vienna Convention on Diplomatic Relations, 1961, and the Vienna Convention on Consular Relations, 1963; 30
 - (xi) “**the Vienna Convention on Consular Relations, 1963**” means the Vienna Convention on Consular Relations, 1963, signed at Vienna on 24 April 1963, 35 and which is set out in Schedule 2 to this Act;
 - (xii) “**the Vienna Convention on Diplomatic Relations, 1961**” means the Vienna Convention on Diplomatic Relations, 1961, signed at Vienna on 18 April 1961, and which is set out in Schedule 1 to this Act;
 - (xiii) “**this Act**” includes the regulations. 40

Conventions have force of law

2. (1) Subject to the provisions of this Act, the Conventions have the force of law in the Republic.
 - (2) For the purposes of the Conventions—
 - (a) “**grave crime**” means any offence for which a person may on conviction be sentenced to imprisonment for five years or more; and 45
 - (b) “**member of a family**” means—
 - (i) the spouse;
 - (ii) any unmarried child under the age of 21 years;
 - (iii) any unmarried child between the ages of 21 and 23 years who is undertaking full-time studies at an education institution; and 50
 - (iv) any other unmarried child or other family member officially recognised as a dependant member of the family by the government of the sending State, the United Nations, a specialised agency or an organisation, and who is issued with a diplomatic or official passport. 55

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika,
soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) “**die Konvensies**” die Konvensie op die Voorregte en Immunitete van die Verenigde Nasies, 1946, die Konvensie op die Voorregte en Immunitete van die Gespesialiseerde Agentskappe, 1947, die Weense Konvensie op Diplomatieke Betrekkinge, 1961, en die Weense Konvensie op Konsulêre Betrekkinge, 1963; 5
 - (ii) “**die Konvensie op die Voorregte en Immunitete van die Gespesialiseerde Agentskappe, 1947**” die bepalings van die Konvensie op die Voorregte en Immunitete van die Gespesialiseerde Agentskappe, wat op 21 November 1947 aangeneem is, soos van toepassing in die Republiek in ooreenstemming met die voorbehoude wat Suid-Afrika met sy toetrede daartoe gestel het en wat in Bylae 4 van hierdie Wet uiteengesit word; 10
 - (iii) “**die Konvensie op die Voorregte en Immunitete van die Verenigde Nasies, 1946**” die bepalings van die Konvensie op die Voorregte en Immunitete van die Verenigde Nasies, wat op 13 Februarie 1946 aangeneem is, soos van toepassing in die Republiek in ooreenstemming met die voorbehoude wat Suid-Afrika met sy toetrede daartoe gestel het en wat in Bylae 3 van hierdie Wet uiteengesit word; 15
 - (iv) “**die Weense Konvensie op Diplomatieke Betrekkinge, 1961**” die bepalings van die Weense Konvensie op Diplomatieke Betrekkinge, 1961, onderteken te Wenen op 18 April 1961, wat in Bylae 1 by hierdie Wet uiteengesit word; 20
 - (v) “**die Weense Konvensie op Konsulêre Betrekkinge, 1963**” die bepalings van die Weense Konvensie op Konsulêre Betrekkinge, 1963, onderteken te Wenen op 24 April 1963, wat in Bylae 2 by hierdie Wet uiteengesit word; 25
 - (vi) “**Direkteur-generaal**” die Directeur-generaal: Buitelandse Sake;
 - (vii) “**gespesialiseerde agentskap**” enige agentskap wat geïdentifiseer is in paragraaf (ii) van Afdeling 1 van Artikel I van die Konvensie op die Voorregte en Immunitete van die Gespesialiseerde Agentskappe, 1947, en wat deur die Minister vir die doeleindes van hierdie Wet erken is; 30
 - (viii) “**hierdie Wet**” ook die regulasies;
 - (ix) “**Minister**” die Minister van Buitelandse Sake;
 - (x) “**munisipaliteit**” ’n munisipaliteit gevestig kragtens Hoofstuk 2 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998); 35
 - (xi) “**regulasie**” ’n regulasie uitgevaardig kragtens artikel 13;
 - (xii) “**organisasie**” ’n tussenregeringsorganisasie waarvan twee of meer state of regerings lede is, en wat die Minister vir doeleindes van hierdie Wet erken het; 40
 - (xiii) “**spesiale gesant of verteenwoordiger**” ’n persoon wat behoorlik gemagtig is deur die senderstaat, regering of organisasie om ’n spesiale missie of taak ten behoeve van sodanige staat, regering of organisasie in die Republiek te onderneem.

Konvensies geniet regskrag

2. (1) Behoudens die bepalings van hierdie Wet, het die Konvensies regskrag in die Republiek.
 - (2) By die toepassing van die Konvensies beteken—
 - (a) “**ernstige misdryf**” ’n misdryf waarvoor iemand by skuldig bevinding gevangenisstraf van vyf jaar of meer opgelê kan word; en 50
 - (b) “**lid van ’n familie**”—
 - (i) die gade;
 - (ii) enige ongetrouwe kind onder die ouderdom van 21 jaar;
 - (iii) enige ongetrouwe kind tussen die ouderdomme van 21 en 23 jaar wat voltyds studeer aan ’n opvoedkundige inrigting; en
 - (iv) enige ander ongetrouwe kind of ander familielid wat amptelik erken word as ’n afhanklike lid van die familie deur die regering van die senderstaat, die Verenigde Nasies, ’n gespesialiseerde agentskap of ’n organisasie, en aan wie ’n diplomatieke of amptelike paspoort uitgereik is.

Immunities and privileges of diplomatic missions and consular posts, and of members of such missions and posts

3. (1) The Vienna Convention on Diplomatic Relations, 1961, applies to all diplomatic missions and members of such missions in the Republic.

(2) The Vienna Convention on Consular Relations, 1963, applies to all consular posts and members of such posts in the Republic. 5

Immunities and privileges of heads of state, special envoys and certain representatives

4. (1) A head of state is immune from the criminal and civil jurisdiction of the courts of the Republic, and enjoys such privileges as— 10

- (a) heads of state enjoy in accordance with the rules of customary international law;
- (b) are provided for in any agreement entered into with a state or government whereby immunities and privileges are conferred upon such a head of state; or
- (c) may be conferred on such head of state by virtue of section 7(2). 15

(2) A special envoy or representative from another state, government or organisation is immune from the criminal and civil jurisdiction of the courts of the Republic, and enjoys such privileges as—

- (a) a special envoy or representative enjoys in accordance with the rules of customary international law;
- (b) are provided for in any agreement entered into with a state, government or organisation whereby immunities and privileges are conferred upon such special envoy or representative; or
- (c) may be conferred on him or her by virtue of section 7(2). 20

(3) The Minister must by notice in the *Gazette* recognise a special envoy or representative for the purposes of subsection (2). 25

Immunities and privileges of United Nations, specialised agencies and other international organisations

5. (1) The Convention on the Privileges and Immunities of the United Nations, 1946, applies to the United Nations and its officials in the Republic. 30

(2) The Convention on the Privileges and Immunities of the Specialised Agencies, 1947, applies to any specialised agency and its officials in the Republic.

(3) Any organisation recognised by the Minister for the purposes of this section and any official of such organisation enjoy such privileges and immunities as may be provided for in any agreement entered into with such organisation or as may be conferred on them by virtue of section 7(2). 35

(4) Any organisation contemplated in this section is vested with the legal capacity of a body corporate in the Republic to the extent consistent with the instrument creating it.

Immunities and privileges pertaining to international conferences or meetings convened in Republic 40

6. (1) The officials and experts of the United Nations, of any specialised agency and of any organisation, and representatives of any state, participating in an international conference or meeting convened in the Republic enjoy for the duration of the conference or meeting such privileges and immunities as—

- (a) are specifically provided for in the Convention on the Privileges and Immunities of the United Nations, 1946, or the Convention on the Privileges and Immunities of the Specialised Agencies, 1947, as the case may be, in respect of the participation in conferences and meetings; 45

Immunitate en voorregte van diplomatieke missies en konsulêre poste, en van lede van sodanige missies en poste

3. (1) Die Weense Konvensie op Diplomatieke Betrekkinge, 1961, is van toepassing op alle diplomatieke missies en lede van sodanige missies in die Republiek.

(2) Die Weense Konvensie op Konsulêre Betrekkinge, 1963, is van toepassing op alle konsulêre poste en lede van sodanige poste in die Republiek. 5

Immunitate en voorregte van hoofde van state, spesiale gesante en sekere verteenwoordigers

4. (1) 'n Hoof van 'n staat is vrygestel van die kriminele en siviele jurisdiksie van die howe van die Republiek, en geniet voorregte— 10

- (a) wat hoofde van state geniet ooreenkomstig die reëls van die internasionale gewoontereg;
- (b) soos bepaal in enige ooreenkoms aangegaan met 'n ander staat of regering waardeur immunitate en voorregte aan sodanige hoof van 'n staat verleen word; of
- (c) wat verleen mag word aan sodanige hoof van 'n staat uit hoofde van artikel 7(2).

(2) 'n Spesiale gesant of verteenwoordiger van 'n ander staat, regering of organisasie is vrygestel van die kriminele en siviele jurisdiksie van die howe van die Republiek, en geniet sodanige voorregte— 20

- (a) wat 'n spesiale gesant of verteenwoordiger geniet ooreenkomstig die reëls van die internasionale gewoontereg;
- (b) soos bepaal in enige ooreenkoms aangegaan met 'n ander staat, regering of organisasie waardeur immunitate en voorregte aan sodanige spesiale gesant of verteenwoordiger verleen word; of
- (c) wat verleen mag word aan hom of haar uit hoofde van artikel 7(2).

(3) Die Minister moet sodanige spesiale gesant of verteenwoordiger by kennisgewing in die *Staatskoerant* erken vir doeleindes van subartikel (2). 25

Immunitate en voorregte van Verenigde Nasies, gespesialiseerde agentskappe en ander internasionale organisasies 30

5. (1) Die Konvensie op die Voorregte en Immunitete van die Verenigde Nasies, 1946, is van toepassing op die Verenigde Nasies en sy beampies in die Republiek.

(2) Die Konvensie op die Immunitete en Voorregte van die Gespesialiseerde Agentskappe, 1947, is van toepassing op die gespesialiseerde agentskappe en hulle beampies in die Republiek. 35

(3) Enige organisasie wat deur die Minister erken word vir doeleindes van hierdie artikel en enige beampte van sodanige organisasie geniet sodanige voorregte en immunitete as waarvoor daar voorsiening gemaak mag word in enige ooreenkoms aangegaan met sodanige organisasie of wat verleen mag word uit hoofde van artikel 7(2). 40

(4) 'n Organisasie in hierdie artikel beoog, is in die Republiek beklee met die regsbevoegdheid van 'n regspersoon, in soverre dit ooreenstem met die instrument waarby die organisasie ingestel is.

Immunitate en voorregte rakende internasionale konferensies of vergaderings wat in Republiek gehou word 45

6. (1) Die beampies en deskundiges van die Verenigde Nasies, van enige gespesialiseerde agentskap en van enige organisasie, en verteenwoordigers van state wat deelneem aan internasionale konferensies of vergaderings wat in die Republiek gehou word, geniet vir die duur van die konferensie of vergadering sodanige voorregte en immunitete— 50

- (a) as waarvoor daar uitdruklik voorsiening gemaak is in die Konvensie op die Voorregte en Immunitete van die Verenigde Nasies, 1946, of die Konvensie op die Voorregte en Immunitete van die Gespesialiseerde Agentskappe, 1947, na gelang van die geval, ten aansien van deelname aan konferensies en vergaderings;

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- (b) are specifically provided for in any agreement entered into for this purpose; or
(c) may be conferred on any of them by virtue of section 7(2).
(2) The Minister must by notice in the *Gazette* recognise a specific conference or meeting for the purposes of subsection (1).

Conferment of immunities and privileges

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- 7.** (1) Any agreement whereby immunities and privileges are conferred to any person or organisation in terms of this Act must be published by notice in the *Gazette*.
(2) The Minister may in any particular case if it is not expedient to enter into an agreement as contemplated in subsection (1) and if the conferment of immunities and privileges is in the interest of the Republic, confer such immunities and privileges on a person or organisation as may be specified by notice in the *Gazette*.

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Waiver of immunities and privileges

- 8.** (1) A sending State, the United Nations, any specialised agency or organisation may waive any immunity or privilege which a person enjoys under this Act.
(2) For the purposes of subsection (1), any waiver by the head, or by any person who performs the functions of the head, of—
(a) a mission;
(b) a consular post;
(c) an office of the United Nations;
(d) an office of a specialised agency; or
(e) an organisation,
must be regarded as being a waiver by the state, the United Nations, the specialised agency or the organisation in question.
(3) For the purposes of this section, a waiver must always be express and in writing.

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Register of persons entitled to immunities or privileges

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- 9.** (1) The Minister must keep a register in which there must be registered the names of all the persons who enjoy—
(a) immunity from the civil and criminal jurisdiction of the courts of the Republic; or
(b) immunities and privileges in accordance with the Conventions or in terms of any agreement contemplated in section 7.
(2) The Minister must cause a complete list of all persons on the register to be published at least once a year in the *Gazette*.
(3) If in any proceedings in a court of law any question arises as to whether or not any person enjoys any immunity or privilege under this Act or the Conventions, a certificate under the hand or issued under the authority of the Director-General stating any fact relating to that question, is *prima facie* evidence of that fact.

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Restriction on immunities, privileges and exemptions

- 10.** If it appears at any time to the Minister—
(a) that the immunities and privileges accorded to a mission of the Republic in the territory of any state, or to any person connected with any such mission, are less than those conferred in the Republic on the mission of that state, or on any person connected with that mission; or
(b) that the exemptions granted to the Government of the Republic in the territory of any state are less than those granted by the Minister to that state,
the Minister may withdraw so much of the immunities, privileges and exemptions so accorded or granted by him or her as appears to him or her to be proper.

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- (b) waarvoor daar aldus uitdruklik voorsiening gemaak is in enige ooreenkoms wat vir hierdie doel aangegaan is; of
- (c) wat verleen mag word uit hoofde van artikel 7(2).
- (2) Die Minister moet 'n spesifieke konferensie of vergadering by kennisgewing in die *Staatskoerant* erken vir doeleinades van subartikel (1). 5

Verlening van immuniteite en voorregte

7. (1) Enige ooreenkoms waarby immuniteite en voorregte aan enige persoon of organisasie verleen word ingevolge hierdie Wet, word by kennisgewing in die *Staatskoerant* gepubliseer.

(2) Die Minister kan, indien dit in enige bepaalde geval nie dienstig is om 'n ooreenkoms aan te gaan nie en die verlening van immuniteite en voorregte in belang van die Republiek sal wees, by kennisgewing in die *Staatskoerant* sodanige immuniteite en voorregte aan 'n persoon of organisasie verleen wat aldus bepaal word. 10

Afstanddoening van immuniteite en voorregte

8. (1) 'n Senderstaat, die Verenigde Nasies, enige gespesialiseerde agentskap of organisasie kan afstand doen van enige immuniteit of voorreg wat 'n persoon kragtens hierdie Wet geniet. 15

(2) Vir doeleinades van subartikel (1) word enige afstanddoening deur die hoof of deur enige persoon wat die funksies verrig van die hoof van—

- (a) 'n missie;
- (b) 'n konsulêre pos;
- (c) 'n kantoor van die Verenigde Nasies;
- (d) 'n kantoor van 'n gespesialiseerde agentskap; of
- (e) 'n organisasie,

geag 'n afstanddoening deur die betrokke staat, die Verenigde Nasies, die gespesialiseerde agentskap of organisasie te wees. 25

(3) Vir doeleinades van hierdie artikel moet enige afstanddoening altyd uitdruklik en skriftelik wees.

Register van persone geregtig op immuniteite of voorregte

9. (1) Die Minister moet 'n register hou waarin die name geregistreer word van alle persone— 30

- (a) wat immuniteit geniet teen die siviele en kriminele jurisdiksie van die howe van die Republiek; of
- (b) wat immuniteite en voorregte geniet ooreenkomsdig die bepalings van die Konvensies of ingevolge enige ooreenkoms beoog in artikel 7. 35

(2) Die Minister laat ten minste een keer in elke kalenderjaar 'n volledige lys van alle persone op die register in die *Staatskoerant* publiseer.

(3) Indien in enige verrigtinge in 'n gereghof enige vraag ontstaan of enige persoon kragtens hierdie Wet of die Konvensies enige immuniteit of voorreg geniet, is 'n sertifikaat uitgereik deur of onder die gesag van die Direkteur-generaal waarin enige feit betreffende so 'n vraag vermeld word, *prima facie*-bewys van daardie feit. 40

Beperking op immuniteite, voorregte en vrystellings

10. Indien dit vir die Minister te eniger tyd voorkom—

- (a) dat die immuniteite en voorregte wat verleen word aan 'n missie van die Republiek in die gebied van enige staat, of aan enige persoon verbonde aan enige sodanige missie, minder is as dié wat verleen word in die Republiek aan die missie van daardie staat, of aan enige persoon verbonde aan daardie missie; of 45
- (b) dat die vrystellings wat verleen word aan die Regering van die Republiek in die gebied van enige staat minder is as dié wat deur die Minister aan daardie staat verleen word, 50

kan die Minister soveel van die immuniteite, voorregte en vrystellings aldus deur hom of haar verleen as wat die Minister geskik ag, intrek.

Adjustment of loss of revenue to municipalities and statutory public utility organisations

11. The loss of revenue caused to any municipality or statutory public utility organisation by reason of this Act relating to exemptions from taxation, must be made good to such municipality or organisation out of funds approved by Parliament for that purpose. 5

Acquisition, construction, relocation, renovation, replacement, extension or lease of immovable property in Republic

12. (1) All foreign missions or consular posts, the United Nations and all specialised agencies or organisations referred to in this Act, must submit a written request to the Director-General for acquiring, constructing, relocating, renovating, replacing, extending or leasing immovable property in the Republic in the name of or on behalf of— 10

- (a) the mission or post or its government;
- (b) the United Nations;
- (c) the specialised agency or organisation in question;
- (d) any person referred to in section 4 or 5; or
- (e) any representative contemplated in the Vienna Convention on Diplomatic Relations, 1961, and the Vienna Convention on Consular Relations, 1963. 15

(2) Any such request must consist of a narrative and graphic description of, and indicate the reasons for, the proposed acquisition, construction, relocation, renovation, replacement, extension or leasing. 20

(3) No deed of transfer of land may be registered in accordance with the Deeds Registries Act, 1937 (Act No. 47 of 1937), in the name of any such government, mission or post, the United Nations or any such specialised agency, organisation, person or representative unless the Director-General has informed the Registrar of Deeds in writing that the property has been recognised for the use of an embassy, chancellery, legation, office or official residence and that the Director-General approves of such registration. 25

(4) Diplomatic missions established in the Republic in accordance with the provisions of the Vienna Convention on Diplomatic Relations, 1961, or other rules of customary international law, must be located in Pretoria or, during sittings of Parliament, in Cape Town. 30

(5) Despite subsection (4), the Minister may approve that a section of the diplomatic mission may be located elsewhere.

Liability insurance requirements

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13. The Minister must prescribe by regulation liability insurance requirements which have to be met by any person who enjoys immunities or privileges under this Act or in terms of the Conventions.

Regulations

14. The Minister may make regulations regarding any matter which must be prescribed or which the Minister deems it necessary or expedient to prescribe in order to carry out or give effect to the provisions of this Act or of the Conventions. 40

Offences and penalties

15. (1) Any person who willfully or without the exercise of reasonable care issues, obtains or executes any legal process against a person who enjoys immunity under this Act or in terms of the Conventions, whether as party, attorney or officer concerned with issuing or executing such process, is guilty of an offence. 45

(2) Any person who contravenes subsection (1) or who willfully or without the exercise of reasonable care commits any other offence which has the effect of infringing the inviolability of any person contemplated in subsection (1), or of his or her property 50

Aansuiwering van verlies aan inkomste vir munisipaliteit en statutêre openbare utiliteitsorganisasies

11. Die verlies aan inkomste wat vir enige munisipaliteit of statutêre openbare utiliteitsorganisasie teweeggebring word op grond van hierdie Wet betreffende vrystelling van belasting, word aan sodanige munisipaliteit of organisasie vergoed uit fondse wat vir die doel deur die Parlement bewillig word. 5

Verkryging, konstruksie, hervestiging, opknapping, vervanging, uitbreiding of huur van onroerende eiendom in Republiek

12. (1) Alle buitelandse missies of konsulêre poste, die Verenigde Nasies en alle gespesialiseerde agentskappe of organisasies bedoel in hierdie Wet, lê 'n geskrewe versoek aan die Direkteur-generaal voor vir die verkryging, konstruksie, hervestiging, opknapping, vervanging, uitbreiding of huur van onroerende eiendom in die Republiek in die naam van of namens— 10

- (a) die missie of pos of die regering daarvan;
- (b) die Verenigde Nasies;
- (c) die gespesialiseerde agentskap of die betrokke organisasie;
- (d) enige persoon bedoel in artikel 4 of 5; of
- (e) enige verteenwoordiger beoog in die Weense Konvensie op Diplomatieke Betrekkinge, 1961, of die Weense Konvensie op Konsulêre Betrekkinge, 1963. 20

(2) Enige sodanige versoek bestaan uit 'n relasie en grafiese beskrywing van, en dui die redes aan vir, die voorgestelde verkryging, konstruksie, hervestiging, opknapping, vervanging, uitbreiding of huur.

(3) Geen titelbewys van oordrag van grond word ooreenkomsdig die bepalings van die Wet op die Registrasie van Aktes, 1937 (Wet No. 47 van 1937), in die naam van so 'n regering, missie of pos, die Verenigde Nasies of enige sodanige gespesialiseerde agentskap, organisasie, persoon of verteenwoordiger geregistreer nie tensy die Direkteur-generaal die Registrateur van Aktes skriftelik meegehou het dat die eiendom vir die gebruik van 'n ambassade, kanselary, gesantskap, kantoor of amptelike woning erken is en dat die Direkteur-generaal sodanige registrasie goedkeur. 25

(4) Diplomatieke missies ingestel in die Republiek ooreenkomsdig die bepalings van die Weense Konvensie op Diplomatieke Betrekkinge, 1961, of ander reëls van internasionale gewoontereg, word gevestig te Pretoria of, tydens sessies van die Parlement, te Kaapstad.

(5) Ondanks subartikel (4) kan die Minister goedkeur dat 'n afdeling van 'n diplomatieke missie elders gevestig word. 35

Vereistes vir aanspreeklikheidsversekering

13. Die Minister skryf by regulasie vereistes voor vir aanspreeklikheidsversekering wat nagekom moet word deur enige persoon wat immuniteit of voorregte kragtens hierdie Wet of ingevolge die Konvensies geniet. 40

Regulasies

14. Die Minister kan regulasies uitvaardig betreffende enige aangeleentheid waarvoor daar voorsiening gemaak moet word of wat die Minister nodig of dienstig ag om voorvoorsiening te maak ten einde die bepalings van hierdie Wet of die Konvensies uit te voer of daaraan gevolg te gee. 45

Misdrywe en strawwe

15. (1) Enige persoon wat opsetlik of sonder die uitoefening van redelike sorg 'n geregtelike prosesstuk uitreik, verkry of ten uitvoer lê teen 'n persoon wat immuniteit kragtens hierdie Wet of ingevolge die Konvensies geniet, hetsy as party, prokureur of beampete wat by die uitreiking of tenuitvoerlegging van sodanige prosesstukke betrokke is, is skuldig aan 'n misdryf. 50

(2) Enige sodanige persoon wat subartikel (1) oortree of 'n persoon wat opsetlik of sonder die uitoefening van redelike sorg enige ander misdryf pleeg wat die gevolg het dat inbreuk gemaak word op die onskendbaarheid van 'n persoon bedoel in subartikel

Act No. 37, 2001**DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001**

or of the premises occupied by him or her, is liable on conviction to a fine or to imprisonment for a period not exceeding three years or to both a fine and such imprisonment.

Repeal of laws and saving

16. (1) The Diplomatic Immunities and Privileges Act, 1989 (Act No. 74 of 1989), and the Diplomatic Immunities and Privileges Amendment Act, 1992 (Act No. 56 of 1992), are hereby repealed. 5

(2) Anything done under a provision of any law repealed by subsection (1) and which could have been done under a provision of this Act, must be regarded as having been done under the latter provision. 10

Short title and commencement

17. This Act is called the Diplomatic Immunities and Privileges Act, 2001, and takes effect on a date fixed by the President by proclamation in the *Gazette*.

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

(1), of van sy of haar eiendom of van persele deur hom of haar bewoon, is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met beide 'n boete sowel as daardie gevangenisstraf.

Herroeping van wette

16. (1) Die Wet op Diplomatieke Immuniteit en Voorregte, 1989 (Wet No. 74 van 1989), en die Wysigingswet op Diplomatieke Immuniteit en Voorregte, 1992 (Wet No. 56 van 1992), word hierby herroep. 5

(2) Enigiets gedoen kragtens 'n bepaling van 'n wet wat by subartikel (1) herroep word, en wat uit hoofde van 'n bepaling van hierdie Wet gedoen sou kon word, word geag kragtens so 'n laasbedoelde bepaling gedoen te wees. 10

Kort titel en inwerkingtreding

17. Hierdie Wet heet die Wet op Diplomatieke Immuniteit en Voorregte, 2001, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

Schedule 1**Vienna Convention on Diplomatic Relations, 1961**

The States Parties to the present Convention,

Recalling that peoples of all nations from ancient times have recognized the status of diplomatic agents,

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Having in mind the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations,

Believing that an international convention on diplomatic intercourse, privileges and immunities would contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

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Realizing that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing States,

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Affirming that the rules of customary international law should continue to govern questions not expressly regulated by the provisions of the present Convention,

Have agreed as follows:

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Article 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

- (a) the '**head of the mission**' is the person charged by the sending State with the duty of acting in that capacity;
- (b) the '**members of the mission**' are the head of the mission and the members of the staff of the mission;
- (c) the '**members of the staff of the mission**' are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;
- (d) the '**members of the diplomatic staff**' are the members of the staff of the mission having diplomatic rank;
- (e) a '**diplomatic agent**' is the head of the mission or a member of the diplomatic staff of the mission;
- (f) the '**members of the administrative and technical staff**' are the members of the staff of the mission employed in the administrative and technical service of the mission;
- (g) the '**members of the service staff**' are the members of the staff of the mission in the domestic service of the mission;
- (h) a '**private servant**' is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;
- (i) the '**premises of the mission**' are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

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Article 2

The establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent.

Bylae 1**Weense Konvensie op Diplomatieke Betrekkinge, 1961**

Die State wat Partye by hierdie Konvensie is,

Gedagtig daaraan dat mense van alle nasies sedert antieke tye die status van diplomatieke agente erken, 5

Gedagtig aan die oogmerke en beginsels van die Handves van die Verenigde Nasies betreffende die soewereine gelykheid van State, die handhawing van internasionale vrede en sekuriteit, en die bevordering van vrienkskaplike betrekkinge tussen nasies,

In die oortuiging dat 'n internasionale konvensie op diplomatieke verkeer, voorregte en immuniteite sal bydra tot die ontwikkeling van vrienkskaplike betrekkinge tussen nasies, ongeag hulle verskillende grondwetlike en maatskaplike stelsels, 10

In die besef dat die doel van sodanige voorregte en immuniteite nie is om individue te bevoordeel nie maar om die doeltreffende verrigting van die funksies van diplomatieke missies te verseker om State te verteenwoordig, 15

Ter bevestiging dat die reëls van die internasionale gewoontereg moet voortgaan om vraagstukke te reël wat nie uitdruklik deur die bepalings van hierdie Konvensie gereël word nie,

Kom soos volg ooreen: 20

Artikel 1

By die toepassing van hierdie Konvensie het die volgende uitdrukings die betekenis wat hieronder daaraan geheg word:

- (a) die '**hoof van die missie**' is die persoon aan wie die Senderstaat die plig opgedra het om in daardie hoedanigheid op te tree; 25
- (b) die '**lede van die missie**' is die hoof van die missie en die lede van die personeel van die missie;
- (c) die '**lede van die personeel van die missie**' is die lede van die diplomatieke personeel, van die administratiewe en tegniese personeel en van die dienspersoneel van die missie;
- (d) die '**lede van die diplomatieke personeel**' is die lede van die personeel van die missie wat diplomatieke rang het;
- (e) 'n '**diplomatieke agent**' is die hoof van die missie of 'n lid van die diplomatieke personeel van die missie;
- (f) die '**lede van die administratiewe en tegniese personeel**' is die lede van die missie wat in die administratiewe en tegniese diens van die missie aangewend word;
- (g) die '**lede van die dienspersoneel**' is die lede van die personeel van die missie in die huishoudelike diens van die missie;
- (h) 'n '**private bediende**' is 'n persoon wat in die huishoudelike diens is van 'n lid van die missie en wat nie 'n werknemer van die Senderstaat is nie;
- (i) die '**perseel van die missie**' is die geboue of dele van geboue en die grond bykomstig daartoe, ongeag wie die eienaar daarvan is, wat gebruik word vir die doeleindes van die missie, met inbegrip van die woning van die hoof van die missie.

Artikel 2

Die vestiging van diplomatieke betrekkinge tussen State, en van permanente diplomatieke missies, geskied deur wedersydse instemming.

Article 3

1. The functions of a diplomatic mission consist, *inter alia*, in:
- (a) representing the sending State in the receiving State;
 - (b) protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law; 5
 - (c) negotiating with the Government of the receiving State;
 - (d) ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;
 - (e) promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations. 10
2. Nothing in the present Convention shall be construed as preventing the performance of consular functions by a diplomatic mission.

Article 4

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1. The sending State must make certain that the *agrément* of the receiving State has been given for the person it proposes to accredit as head of the mission to that State.
2. The receiving State is not obliged to give reasons to the sending State for a refusal of *agrément*. 20

Article 5

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1. The sending State may, after it has given due notification to the receiving States concerned, accredit a head of mission or assign any member of the diplomatic staff, as the case may be, to more than one State, unless there is express objection by any of the receiving States.
2. If the sending State accredits a head of mission to one or more other States it may establish a diplomatic mission headed by a chargé d'affaires *ad interim* in each State where the head of mission has not his permanent seat.
3. A head of mission or any member of the diplomatic staff of the mission may act as representative of the sending State to any international organization. 30

Article 6

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- Two or more States may accredit the same person as head of mission to another State, unless objection is offered by the receiving State. 35

Article 7

- Subject to the provisions of Articles 5, 8, 9 and 11, the sending State may freely appoint the members of the staff of the mission. In the case of military, naval or air attachés, the receiving State may require their names to be submitted beforehand, for its approval.

Article 8

1. Members of the diplomatic staff of the mission should in principle be of the nationality of the sending State.
2. Members of the diplomatic staff of the mission may not be appointed from among persons having the nationality of the receiving State, except with the consent of that State which may be withdrawn at any time. 45
3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

Artikel 3

1. Die funksies van 'n diplomatieke missie bestaan onder andere uit:
- (a) verteenwoordiging van die Senderstaat in die Ontvangerstaat;
 - (b) beskerming in die Ontvangerstaat van die belang van die Senderstaat en van sy burgers, binne die perke wat deur die volkereg toegelaat word; 5
 - (c) onderhandeling met die Regering van die Ontvangerstaat;
 - (d) bepaling van toestande en ontwikkelings in die Ontvangerstaat deur alle wettige middele, en verslagdoening daaroor aan die Regering van die Senderstaat; 10
 - (e) bevordering van vriendskaplike betrekkinge tussen die Senderstaat en die Ontvangerstaat, en ontwikkeling van hulle ekonomiese, kulturele en wetenskaplike betrekkinge.
2. Niks in hierdie Konvensie word so uitgelê dat dit die verrigting van konsulêre funksies deur 'n diplomatieke missie belet nie. 15

Artikel 4

1. Die Senderstaat moet seker maak dat die *agrément* van die Ontvangerstaat gegee is vir die persoon wat hy beoog om as hoof van die missie in daardie Staat te akkrediteer.
2. Die Ontvangerstaat is nie verplig om redes vir die weiering van *agrément* aan die Senderstaat te verstrek nie. 20

Artikel 5

1. Die Senderstaat kan, nadat hy behoorlik kennis aan die betrokke Ontvangerstate gegee het, 'n hoof van missie by meer as een Staat akkrediteer of enige lid van die diplomatieke personeel, na gelang van die geval, aan meer as een Staat toewys, tensy daar uitdruklike beswaar deur enige van die Ontvangerstate is. 25
2. Indien die Senderstaat 'n hoof van missie by een of meer ander State akkrediteer, kan hy 'n diplomatieke missie vestig met 'n chargé d'affaires *ad interim* aan die hoof in elke Staat waar die hoof van missie nie sy permanente setel het nie. 30
3. 'n Hoof van missie of enige lid van die diplomatieke personeel van die missie kan as verteenwoordiger van die Senderstaat by enige internasionale organisasie optree.

Artikel 6

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Twee of meer State kan dieselfde persoon as hoof van missie by 'n ander Staat akkrediteer, tensy die Ontvangerstaat beswaar daarteen aanteken.

Artikel 7

Behoudens die bepalings van Artikels 5, 8, 9 en 11 kan die Senderstaat die lede van die personeel van die missie na goedunke aanstel. In die geval van militêre, vloot- of lugattachés kan die Ontvangerstaat vereis dat hulle name vooraf voorgelê word vir sy goedkeuring. 40

Artikel 8

1. Lede van die diplomatieke personeel van die missie moet in beginsel van die nasionaliteit van die Senderstaat wees. 45
2. Lede van die diplomatieke personeel van die missie mag nie aangestel word uit persone wat die nasionaliteit van die Ontvangerstaat het nie, behalwe met die toestemming van daardie Staat, wat te eniger tyd ingetrek kan word.
3. Die Ontvangerstaat kan dieselfde reg voorbehou met betrekking tot burgers van 'n derde Staat wat nie ook burgers van die Senderstaat is nie. 50

Article 9

1. The receiving State may at any time and without having to explain its decision, notify the sending State that the head of the mission or any member of the diplomatic staff of the mission is *persona non grata* or that any other member of the staff of the mission is not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission. A person may be declared *non grata* or not acceptable before arriving in the territory of the receiving State. 5

2. If the sending State refuses or fails within a reasonable period to carry out its obligations under paragraph 1 of this Article, the receiving State may refuse to recognize the person concerned as a member of the mission. 10

Article 10

1. The Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, shall be notified of: 15

- (a) the appointment of members of the mission, their arrival and their final departure or the termination of their functions with the mission;
- (b) the arrival and final departure of a person belonging to the family of a member of the mission and, where appropriate, the fact that a person becomes or ceases to be a member of the family of a member of the mission; 20
- (c) the arrival and final departure of private servants in the employ of persons referred to in sub-paragraph (a) of this paragraph and, where appropriate, the fact that they are leaving the employ of such persons; 25
- (d) the engagement and discharge of persons resident in the receiving State as members of the mission or private servants entitled to privileges and immunities.

2. Where possible, prior notification of arrival and final departure shall also be given. 30

Article 11

1. In the absence of specific agreement as to the size of the mission, the receiving State may require that the size of a mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission. 35

2. The receiving State may equally, within similar bounds and on a nondiscriminatory basis, refuse to accept officials of a particular category.

Article 12

The sending State may not, without the prior express consent of the receiving State, establish offices forming part of the mission in localities other than those in which the mission itself is established. 40

Article 13

1. The head of the mission is considered as having taken up his functions in the receiving State either when he has presented his credentials or when he has notified his arrival and a true copy of his credentials has been presented to the Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, in accordance with the practice prevailing in the receiving State, which shall be applied in a uniform manner. 45

Artikel 9

1. Die Ontvangerstaat kan te eniger tyd en sonder om sy besluit te verduidelik, die Senderstaat in kennis stel dat die hoof van missie of enige lid van die diplomatieke personeel van die missie *persona non grata* is of dat enige ander lid van die personeel van die missie nie aanvaarbaar is nie. In enige sodanige geval moet die Senderstaat die betrokke persoon terugroep of sy funksies by die missie beeindig, soos wat gepas geag word. 'n Persoon kan *non grata* of nie aanvaarbaar nie verklaar word voordat hy of sy in die grondgebied van die Ontvangerstaat aankom.

2. Indien die Senderstaat weier of versuim om binne 'n redelike tydperk sy verpligte ingevolge paragraaf 1 van hierdie Artikel na te kom, kan die Ontvangerstaat weier om die betrokke persoon as 'n lid van die missie te erken.

Artikel 10

1. Die Ministerie van Buitelandse Sake van die Ontvangerstaat, of sodanige ministerie as waaroor ooreengekom word, moet in kennis gestel word van:

- (a) die aanstelling van lede van die missie, hulle aankoms en hulle finale vertrek of die beeindiging van hulle funksies by die missie;
- (b) die aankoms en finale vertrek van 'n persoon wat behoort aan die familie van 'n lid van die missie en, waar toepaslik, die feit dat 'n persoon 'n lid van die familie van 'n lid van die missie word of ophou om dit te wees;
- (c) die aankoms en finale vertrek van private bediendes in diens van persone in subparagraph (a) van hierdie paragraaf bedoel, en, waar toepaslik, die feit dat hulle die diens van sodanige persone verlaat;
- (d) die indiensneming en ontslag van persone wat in die Ontvangerstaat woonagtig is, as lede van die missie of private bediendes wat op voorregte en immuniteit geregtig is.

2. Waar moontlik, moet daar ook vooraf kennis gegee word van die aankoms en finale vertrek.

Artikel 11

1. By gebrek aan 'n spesifieke ooreenkoms oor die grootte van die missie kan die Ontvangerstaat vereis dat die grootte van 'n missie gehou word binne perke wat hy as redelik en normaal beskou, met inagneming van omstandighede en toestande in die Ontvangerstaat en die behoeftes van die bepaalde missie.

2. Die Ontvangerstaat kan ook, binne soortgelyke perke en op 'n nie-diskriminerende grondslag, weier om beampies van 'n bepaalde kategorie te aanvaar.

Artikel 12

Die Senderstaat mag nie sonder die uitdruklike toestemming vooraf van die Ontvangerstaat kantore wat deel van die missie uitmaak, vestig op ander plekke as dié waarin die missie self gevestig is nie.

Artikel 13

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1. Die hoof van die missie word geag sy funksies in die Ontvangerstaat te aanvaar het wanneer hy sy geloefsbriewe oorhandig het of wanneer hy kennis van sy aankoms gegee het en 'n ware afskrif van sy geloefsbriewe aan die Ministerie van Buitelandse Sake, of sodanige ander ministerie as waaroor daar ooreengekom is, van die Ontvangerstaat voorgelê is in ooreenstemming met die heersende praktyk in die Ontvangerstaat, wat op 'n eenvormige wyse toegepas moet word.

2. The order of presentation of credentials or of a true copy thereof will be determined by the date and time of the arrival of the head of the mission.

Article 14

1. Heads of mission are divided into three classes, namely:
 - (a) that of ambassadors or nuncios accredited to Heads of State, and other heads of mission of equivalent rank; 5
 - (b) that of envoys, ministers and internuncios accredited to Heads of State;
 - (c) that of chargés d'affaires accredited to Ministers for Foreign Affairs.
2. Except as concerns precedence and etiquette, there shall be no differentiation between heads of mission by reason of their class. 10

Article 15

The class to which the heads of their missions are to be assigned shall be agreed between States.

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Article 16

1. Heads of mission shall take precedence in their respective classes in the order of the date and time of taking up their functions in accordance with Article 13.
2. Alterations in the credentials of a head of mission not involving any change of class shall not affect his precedence. 20
3. This article is without prejudice to any practice accepted by the receiving State regarding the precedence of the representative of the Holy See.

Article 17

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The precedence of the members of the diplomatic staff of the mission shall be notified by the head of the mission to the Ministry for Foreign Affairs or such other ministry as may be agreed.

Article 18

The procedure to be observed in each State for the reception of heads of mission shall be uniform in respect of each class. 30

Article 19

1. If the post of head of the mission is vacant, or if the head of the mission is unable to perform his functions, a chargé d'affaires *ad interim* shall act provisionally as head of the mission. The name of the chargé d'affaires *ad interim* shall be notified, either by the head of the mission or, in case he is unable to do so, by the Ministry for Foreign Affairs of the sending State to the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed. 35
2. In cases where no member of the diplomatic staff of the mission is present in the receiving State, a member of the administrative and technical staff may, with the consent of the receiving State, be designated by the sending State to be in charge of the current administrative affairs of the mission. 40

2. Die volgorde van oorhandiging van geloofsbriefe of van 'n ware afskrif daarvan word bepaal deur die datum en tyd van aankoms van die hoof van die missie.

Artikel 14

1. Hoofde van missie word in drie klasse ingedeel, naamlik: 5
 - (a) dié van ambassadeurs of nunsiusse wat by Hoofde van State geakkrediteer is, en ander hoofde van missie van gelykwaardige rang;
 - (b) dié van gesante, ministers en internunsiusse wat by Hoofde van State geakkrediteer is;
 - (c) dié van chargés d'affaires wat by Ministers van Buitelandse Sake 10 geakkrediteer is.
2. Uitgesonderd wat voorrang en etiket betref, mag daar geen differensiasie tussen hoofde van missie op grond van hulle klas wees nie.

Artikel 15

State moet onderling ooreenkom oor die klas waaraan die hoofde van hul 15 missies toegewys word.

Artikel 16

1. Hoofde van missie geniet voorrang in hulle onderskeie klasse in die volgorde van die datum en tyd waarop hulle hulle funksies aanvaar het 20 ooreenkombig Artikel 13.
2. Wysigings in die geloofsbriefe van 'n hoof van missie wat nie 'n verandering van klas behels nie, raak nie sy voorrang nie.
3. Hierdie artikel is sonder benadeling van enige praktyk wat deur die Ontvangerstaat aanvaar is betreffende die voorrang van die verteenwoordiger van die Heilige Stoel. 25

Artikel 17

Die voorrang van die lede van die diplomatieke personeel van die missie word deur die hoof van die missie bekend gemaak aan die Ministerie van Buitelandse Sake of sodanige ander ministerie as waaroer ooreengekom word. 30

Artikel 18

Die prosedure wat in elke Staat gevvolg moet word vir die ontvangs van hoofde van missie is eenvormig ten opsigte van elke klas.

Artikel 19

1. Indien die pos van hoof van die missie vakant is, of indien die hoof van die missie nie in staat is om sy funksies te verrig nie, neem 'n chargé d'affaires *ad interim* voorlopig waar as hoof van die missie. Die naam van die chargé d'affaires *ad interim* moet deur die hoof van die missie of, indien hy nie in staat is om dit te doen nie, deur die Ministerie van Buitelandse Sake van die Senderstaat bekend gemaak word aan die Ministerie van Buitelandse Sake van die Ontvangerstaat of sodanige ander ministerie as waaroer ooreengekom word. 35
2. In gevalle waar geen lid van die diplomatieke personeel van die missie in die Ontvangerstaat teenwoordig is nie, kan 'n lid van die administratiewe en tegniese personeel, met die toestemming van die Ontvangerstaat, deur die Senderstaat aangewys word om in beheer van die lopende administratiewe sake van die missie te wees. 40 45

Act No. 37, 2001

DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

Article 20

The mission and its head shall have the right to use the flag and emblem of the sending State on the premises of the mission, including the residence of the head of the mission, and on his means of transport.

Article 21

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1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws, by the sending State of premises necessary for its mission or assist the latter in obtaining accommodation in some other way.

2. It shall also, where necessary, assist missions in obtaining suitable accommodation for their members. 10

Article 22

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1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity. 20

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

Article 23

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1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving State by 30 persons contracting with the sending State or the head of the mission.

Article 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

Article 25

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The receiving State shall accord full facilities for the performance of the functions of the mission.

Article 26

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Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure to all members of the mission freedom of movement and travel in its territory.

Article 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the 45

Artikel 20

Die missie en sy hoof het die reg om die vlag en embleem van die Senderstaat op die perseel van die missie, insluitende die woning van die hoof van die missie, en op sy vervoermiddel te gebruik.

Artikel 21

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1. Die Ontvangerstaat moet die verkryging op sy grondgebied, in ooreenstemming met sy wette, deur die Senderstaat van persele wat nodig is vir sy missie, fasiliteer of laasgenoemde bystaan om akkommodasie op 'n ander wyse te bekom.

2. Hy moet ook, waar nodig, missies help om gesikte akkommodasie vir 10 hulle lede te bekom.

Artikel 22

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1. Die perseel van die missie is onskendbaar. Die agente van die Ontvangerstaat mag dit nie betree nie, behalwe met die toestemming van die hoof van die missie.

2. Die Ontvangerstaat staan onder 'n besondere verpligting om alle gesikte maatreëls te tref om die perseel van die missie te beskerm teen enige inbringing of skade en om enige versteuring van die vrede van die missie of inbreukmaking op die waardigheid daarvan te voorkom.

3. Die perseel van die missie, sy meublement en ander eiendom daarop 20 en die vervoermiddele van die missie geniet immuniteit teen deursoeking, opeising, beslaglegging of eksekusie.

Artikel 23

1. Die Senderstaat en die hoof van die missie is vrygestel van alle nasionale, streek- of munisipale regte en belastings ten opsigte van die 25 perseel van die missie, ongeag of dit besit of gehuur word, uitgesonderd dié wat betaling vir spesifieke dienste gelewer, verteenwoordig.

2. Die vrystelling van belasting bedoel in hierdie Artikel is nie van toepassing nie op sodanige regte en belastings as wat kragtens die reg van die Ontvangerstaat betaalbaar is deur persone wat met die Senderstaat of 30 die hoof van die missie kontrakteer.

Artikel 24

Die argiewe en dokumente van die missie is te alle tye en waar hulle ook al mag wees, onskendbaar.

Artikel 25

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Die Ontvangerstaat bied volledige fasilitate vir die verrigting van die funksies van die missie.

Artikel 26

Behoudens sy wette en regulasies betreffende sones waartoe toegang verbode is of gereël word vir doeleinades van nasionale sekuriteit, moet die 40 Ontvangerstaat vir alle lede van die missie vryheid van beweging en reis binne sy grondgebied verseker.

Artikel 27

1. Die Ontvangerstaat moet vrye kommunikasie deur die missie vir alle amptelike doeleinades toelaat en beskerm. By kommunikasie met die 45 Regering en die ander missies en konsulate van die Senderstaat, waar ook al geleë, mag die missie alle gesikte middele gebruik, met inbegrip van diplomatieke koeriers en boodskappe in kode of syferkode. Die missie mag

mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions. 5

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention. 10

6. The sending State or the mission may designate diplomatic couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge. 15

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft. 20 25

Article 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

Article 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity. 30

Article 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His papers, correspondence and, except as provided in paragraph 3 of Article 31, his property, shall likewise enjoy inviolability. 35

Article 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:

(a) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission; 45

(b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

(c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions. 50

2. A diplomatic agent is not obliged to give evidence as a witness.

egter 'n draadlose sender slegs met die toestemming van die Ontvangerstaat installeer en gebruik.

2. Die ampelike korrespondensie van die missie is onskendbaar. Ampelike korrespondensie beteken alle korrespondensie met betrekking tot die missie en sy funksies.

3. Die diplomatieke sak mag nie oopgemaak of teruggehou word nie.

4. Die houers wat die diplomatieke sak uitmaak, moet sigbare merke van hulle aard aan die buitekant daarvan vertoön en mag slegs diplomatieke dokumente of artikels bedoel vir ampelike gebruik, bevat.

5. Die diplomatieke koerier, wat voorsien moet word van 'n ampelike dokument wat sy status en die aantal houers wat die diplomatieke sak uitmaak, aandui, moet deur die Ontvangerstaat by die uitvoering van sy funksies beskerm word. Hy geniet persoonlike onskendbaarheid en is nie aan enige vorm van inhegtenisname of aanhouding onderhewig nie.

10. 6. Die Senderstaat of die missie mag diplomatieke koeriers *ad hoc* aanwys. In sodanige gevalle is die bepalings van paragraaf 5 van hierdie Artikel ook van toepassing, behalwe dat die immunitete wat daarin genoem word, ophou om van toepassing te wees wanneer sodanige koerier die diplomatieke sak wat aan hom toevertrou is, aan die geadresseerde aangelever het.

15. 7. 'n Diplomatieke sak mag toevertrou word aan die kaptein van 'n handelsvliegtuig wat geskeduleer is om by 'n gemagtigde poort van binnekoms te land. Hy moet voorsien word van 'n ampelike dokument wat die aantal houers wat die diplomatieke sak uitmaak, aandui, maar hy word nie geag 'n diplomatieke koerier te wees nie. Die missie mag een van sy lede stuur om direk en vryelik besit van die diplomatieke sak by die kaptein van die vliegtuig te neem.

Artikel 28

Die gelde en vorderings wat deur die missie in die loop van sy ampelike pligte gehef word, is van alle regte en belastings vrygestel.

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Artikel 29

Die persoon van 'n diplomatieke agent is onskendbaar. Hy is nie onderhewig aan enige vorm van inhegtenisname of aanhouding nie. Die Ontvangerstaat behandel hom met verskuldigde eerbied en tref alle geskikte maatreëls om enige aanval op sy persoon, vryheid of waardigheid te voorkom.

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Artikel 30

1. Die private woning van 'n diplomatieke agent geniet dieselfde onskendbaarheid en beskerming as die perseel van die missie.

2. Sy stukke, korrespondensie en, behalwe soos in paragraaf 3 van Artikel 31 bepaal, sy eiendom, geniet insgelyks onskendbaarheid.

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Artikel 31

1. 'n Diplomatieke agent geniet immuniteit teen die kriminele jurisdiksie van die Ontvangerstaat. Hy geniet ook immuniteit teen sy siviele en administratiewe jurisdiksie, behalwe in die geval van:

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(a) 'n saaklike aksie met betrekking tot private onroerende eiendom geleë in die gebied van die Ontvangerstaat, tensy hy dit namens die Senderstaat vir die doeleindes van die missie besit;

(b) 'n aksie betreffende erfopvolging waarin die diplomatieke agent as eksekuteur, administrateur, erfgenaam of legataris as 'n privaat persoon en nie namens die Senderstaat nie, betrokke is;

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(c) 'n aksie met betrekking tot enige professionele of handelsaktiwiteit deur die diplomatieke agent uitgeoefen in die Ontvangerstaat buite sy ampelike funksies.

2. 'n Diplomatieke agent is nie verplig om as 'n getuie te getuig nie.

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3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under sub-paragraphs (a), (b) and (c) of paragraph 1 of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

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4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

Article 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under Article 37 may be waived by the sending State. 10

2. Waiver must always be express.

3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under Article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim 15 directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

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Article 33

1. Subject to the provisions of paragraph 3 of this Article, a diplomatic agent shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the 25 receiving State.

2. The exemption provided for in paragraph 1 of this Article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition:

- (a) that they are not nationals of or permanently resident in the receiving 30 State; and
- (b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the 35 obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State. 40

5. The provisions of this Article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

Article 34

A diplomatic agent shall be exempt from all dues and taxes, personal or 45 real, national, regional or municipal, except:

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State 50 for the purposes of the mission;
- (c) estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of Article 39;
- (d) dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;
- (e) charges levied for specific services rendered;

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WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

3. Geen eksekusiemaatreëls mag ten opsigte van 'n diplomatieke agent getref word nie behalwe in die gevalle wat onder subparagraphe (a), (b) en (c) van paragraaf 1 van hierdie Artikel val, en mits die betrokke maatreëls getref kan word sonder om inbreuk te maak op die onskendbaarheid van sy persoon of van sy woning.

4. Die immuniteit van 'n diplomatieke agent teen die jurisdiksie van die Ontvangerstaat stel hom nie vry van die jurisdiksie van die Senderstaat nie.

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Artikel 32

1. Die Senderstaat mag afstand doen van die immuniteit teen jurisdiksie van diplomatieke agente en van persone wat immuniteit kragtens Artikel 37 geniet.

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2. Afstanddoening moet altyd uitdruklik wees.

3. Die instel van verrigtinge deur 'n diplomatieke agent of deur 'n persoon wat immuniteit kragtens Artikel 37 geniet, verhinder hom om immuniteit teen jurisdiksie aan te voer ten opsigte van enige teeneis wat direk verband hou met die hoofeis.

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4. Afstanddoening van immuniteit teen jurisdiksie met betrekking tot siviele of administratiewe verrigtinge word nie geag afstanddoening van immuniteit ten opsigte van die tenuitvoerlegging van die vonnis te impliseer nie, waarvoor 'n afsonderlike afstanddoening nodig is.

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Artikel 33

1. Behoudens die bepalings van paragraaf 3 van hierdie Artikel is 'n diplomatieke agent met betrekking tot dienste wat hy aan die Senderstaat lewer, vrygestel van bepalings betreffende sosiale sekuriteit wat in die Ontvangerstaat van toepassing mag wees.

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2. Die vrystelling waarvoor in paragraaf 1 van hierdie Artikel voorsiening gemaak word, is ook van toepassing op private bediendes wat in die uitsluitlike diens van die diplomatieke agent staan, op voorwaarde:

(a) dat hulle nie burgers van of permanent woonagtig in die Ontvangerstaat is nie; en

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(b) dat hulle deur die bepalings betreffende sosiale sekuriteit wat in die Senderstaat of in 'n derde Staat van toepassing mag wees, gedek word.

3. 'n Diplomatieke agent wat persone in diens het op wie die vrystelling waarvoor in paragraaf 2 van hierdie Artikel voorsiening gemaak word, nie van toepassing is nie, moet die verpligte wat die bepalings betreffende sosiale sekuriteit van die Ontvangerstaat aan werkgewers ople, nakom.

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4. Die vrystelling waarvoor in paragrafe 1 en 2 van hierdie Artikel voorsiening gemaak word, verhinder nie vrywillige deelname aan die sosiale sekuriteit-stelsel van die Ontvangerstaat nie mits sodanige deelname deur daardie Staat toegelaat word.

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5. Die bepalings van hierdie Artikel raak nie bilaterale of multilaterale ooreenkomste betreffende sosiale sekuriteit wat voorheen aangegaan is nie en verhinder nie die aangaan van sulke ooreenkomste in die toekoms nie.

Artikel 34

'n Diplomatieke agent is vrygestel van alle persoonlike of saaklike, 45 nasionale, streek- of munisipale regte en belastings, uitgesonderd:

(a) indirekte belastings van 'n soort wat normaalweg ingesluit word in die prys van goedere of dienste;

(b) regte en belastings op private onroerende eiendom geleë in die gebied van die Ontvangerstaat, tensy hy dit namens die Senderstaat vir die doeleindes van die missie besit;

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(c) boedel- of erfopvolging- of erfregte gehef deur die Ontvangerstaat, onderworpe aan die bepalings van paragraaf 4 van Artikel 39;

(d) regte en belastings op private inkomste wat sy oorsprong in die Ontvangerstaat het en kapitaalbelastings op beleggings wat in handelsondememings in die Ontvangerstaat gedoen is;

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(e) gelde gehef vir bepaalde dienste gelewer;

- (f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of Article 23.

Article 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting. 5

Article 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on: 10

- (a) articles for the official use of the mission;
- (b) articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment. 15

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorized representative. 20

Article 37

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1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in Articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in Articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of Article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in Article 36, paragraph 1, in respect of articles imported at the time of first installation. 30 35

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in Article 33. 40

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission. 45

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

- (f) registrasie-, hof of rekordgelde, verbandgelde en seëlreg, met betrekking tot onroerende eiendom, onderworpe aan die bepalings van Artikel 23.

Artikel 35

Die Ontvangerstaat stel diplomatieke agente vry van alle persoonlike dienste, van alle openbare dienste van enige aard hoëgenaamd, en van militêre verpligtinge soos dié wat verband hou met rekwisisie, militêre kontribusies en inkwartiering. 5

Artikel 36

1. Die Ontvangerstaat moet, ooreenkoms wette en regulasies wat hy aanneem, binnekoms toelaat van en vrystelling verleen van alle doeanebegte, belastings en aanverwante gelde uitgesonderd gelde vir bergings-, vervoer- en soortgelyke dienste, op:
- (a) artikels vir die ampelike gebruik van die missie;
- (b) artikels vir die persoonlike gebruik van 'n diplomatieke agent of lede van sy familie wat deel van sy huishouding uitmaak, met inbegrip van artikels bedoel vir sy vestiging. 15

2. Die persoonlike bagasie van 'n diplomatieke agent is vrygestel van inspeksie, tensy daar ernstige redes bestaan om te vermoed dat dit artikels bevat wat nie gedeck word deur die vrystellings wat in paragraaf 1 van hierdie Artikel genoem word nie, of artikels waarvan die invoer of uitvoer verbied word deur die reg of beheer word deur die kwarantynregulasies van die Ontvangerstaat. Sodanige inspeksie moet slegs in die teenwoordigheid van die diplomatieke agent of sy gemagtigde verteenwoordiger uitgevoer word. 20 25

Artikel 37

1. Die lede van die familie van 'n diplomatieke agent wat deel uitmaak van sy huishouding, geniet, indien hulle nie burgers van die Ontvangerstaat is nie, die voorregte en immuniteit wat in Artikels 29 tot 36 gespesifiseer word. 30

2. Lede van die administratiewe en tegniese personeel van die missie, tesame met lede van hulle families wat deel uitmaak van hulle onderskeie huishoudings, geniet, indien hulle nie burgers van of permanent woonagtig in die Ontvangerstaat is nie, die voorregte en immuniteit wat in Artikels 29 tot 35 gespesifiseer word, behalwe dat immuniteit teen die siviele en administratiewe jurisdiksie van die Ontvangerstaat wat in paragraaf 1 van Artikel 31 gespesifiseer word, nie van toepassing is op handelinge wat buite die loop van hulle pligte verrig word nie. Hulle geniet ook die voorregte gespesifiseer in Artikel 36, paragraaf 1, ten opsigte van artikels wat ten tyde van eerste vestiging ingevoer word. 35 40

3. Lede van die dienspersoneel van die missie wat nie burgers van of permanent woonagtig in die Ontvangerstaat is nie, geniet immuniteit ten opsigte van handelinge wat in die loop van hulle pligte verrig word, vrystelling van regte en belastings op die emolumente wat hulle as gevolg van hulle diens ontvang en die vrystelling vervat in Artikel 33. 45

4. Private bediendes van lede van die missie is, indien hulle nie burgers van of permanent woonagtig in die Ontvangerstaat is nie, vrygestel van regte en belastings op hulle emolumente wat hulle as gevolg van hulle diens ontvang. In ander opsigte mag hulle voorregte en immuniteit geniet slegs in die mate waarin dit deur die Ontvangerstaat toegelaat word. Die Ontvangerstaat moet egter sy jurisdiksie oor daardie persone op so 'n wyse uitoefen dat daar nie oormatig met die uitvoering van die funksies van die missie ingemeng word nie. 50

Act No. 37, 2001**DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001****Article 38**

1. Except insofar as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions. 5

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission. 10

Article 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed. 15

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable 20

period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall 25 continue to subsist.

3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country. 30

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission. 35

Article 40

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1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or to return to their country. 45

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories. 50

3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport visa if such 55

Artikel 38

1. Behalwe in soverre die Ontvangerstaat bykomende voorregte en immuniteit mag verleen, geniet 'n diplomatieke agent wat 'n burger is van of permanent woonagtig is in daardie Staat, immuniteit teen jurisdiksies en onskendbaarheid slegs ten opsigte van ampelike handelinge wat in die uitvoering van sy funksies verrig word.

2. Ander lede van die personeel van die missie en private bediendes wat burgers is van of permanent woonagtig is in die Ontvangerstaat, geniet voorregte en immuniteit slegs in die mate waarin dit deur die Ontvangerstaat toegelaat word. Die Ontvangerstaat moet egter sy jurisdiksies oor daardie personele op so 'n wyse uitoefen dat daar nie oormatig met die uitvoering van die funksies van die missie ingemeng word nie.

Artikel 39

1. Elke persoon wat geregtig is op voorregte en immuniteit, geniet dit vanaf die oomblik wanneer hy die gebied van die Ontvangerstaat binnekom op pad om sy pos op te neem of, indien reeds in sy gebied, vanaf die oomblik wanneer daar aan die Ministerie van Buitelandse Sake of die ander ministerie soos ooreengekomm, kennis van sy aanstelling gegee word.

2. Wanneer die funksies van 'n persoon wat geregtig is op voorregte en immuniteit tot 'n einde gekom het, eindig sodanige voorregte en immuniteit normaalweg op die oomblik wanneer hy die land verlaat, of by verstryking van 'n redelike tydperk waarbinne hy dit moet doen, maar dit duur voort tot op daardie tydstip, selfs in geval van gewapende konflik. Die immuniteit bestaan egter voort met betrekking tot handelinge wat deur sodanige persoon in die uitvoering van sy funksies as 'n lid van die missie verrig word.

3. In geval van die afsterwe van 'n lid van die missie geniet die lede van sy familie steeds die voorregte en immuniteit waarop hulle geregtig is, totdat 'n redelike tyd verloop het om die land te verlaat.

4. In die geval van die afsterwe van 'n lid van die missie wat nie 'n burger van of permanent woonagtig in die Ontvangerstaat is nie of van 'n lid van sy familie wat deel van sy huishouding uitmaak, laat die Ontvangerstaat toe dat die roerende eiendom van die oorledene onttrek word, uitgesonderd enige eiendom wat in die land verkry is waarvan die uitvoer ten tyde van sy dood verbode was. Boedel-, erfopvolging- en erfregte word nie gehef nie op roerende eiendom wat in die Ontvangerstaat teenwoordig was slegs vanweë die teenwoordigheid van die oorledene as 'n lid van die missie of as 'n lid van die familie van 'n lid van die missie.

Artikel 40

1. Indien 'n diplomatieke agent deur die gebied reis of in die gebied is van 'n derde Staat, wat aan hom 'n paspoortvisum uitgereik het indien so 'n visum nodig was, terwyl hy op pad is om sy pos op te neem of om na sy pos terug te keer, of besig is om terug te keer na sy eie land, verleen die derde Staat aan hom onskendbaarheid en die ander immuniteit wat nodig mag wees om sy deurgang of terugkeer te verseker. Dieselfde geld in die geval van enige lede van die diplomatieke agent se familie wat voorregte en immuniteit geniet en hom vergesel, of wat afsonderlik reis om by hom aan te sluit of om na hulle land terug te keer.

2. Onder omstandighede soortgelyk aan dié in paragraaf 1 van hierdie Artikel gespesifieer, verhinder derde State nie die deurgang van lede van die administratiewe en tegniese of dienspersoneel van 'n missie, en van lede van hulle families, deur hulle gebiede nie.

3. Derde State verleen aan ampelike korrespondensie en ander ampelike kommunikasies in transito, met inbegrip van boodskappe in kode of syferkode, dieselfde vryheid en beskerming as wat deur die Ontvangerstaat verleen word. Hulle verleen aan diplomatieke koeriers aan wie 'n paspoortvisum uitgereik is, indien so 'n visum nodig was, en aan

visa was necessary, and diplomatic bags in transit the same inviolability and protection as the receiving State is bound to accord.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and diplomatic bags, whose presence in the territory of the third State is due to *force majeure*. 5

Article 41

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in 10 the internal affairs of that State.

2. All official business with the receiving State entrusted to the mission by the sending State shall be conducted with or through the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed. 15

3. The premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention or by other rules of general international law or by any special agreements in force between the sending and the receiving State. 20

Article 42

A diplomatic agent shall not in the receiving State practise for personal profit any professional or commercial activity.

Article 43

The function of a diplomatic agent comes to an end, *inter alia*: 25

- (a) on notification by the sending State to the receiving State that the function of the diplomatic agent has come to an end;
- (b) on notification by the receiving State to the sending State that, in accordance with paragraph 2 of Article 9, it refuses to recognize the diplomatic agent as a member of the mission. 30

Article 44

The receiving State must, even in case of armed conflict, grant facilities in order to enable persons enjoying privileges and immunities, other than nationals of the receiving State, and members of the families of such persons irrespective of their nationality, to leave at the earliest possible moment. It must, in particular, in case of need, place at their disposal the necessary means of transport for themselves and their property. 35

Article 45

If diplomatic relations are broken off between two States, or if a mission is permanently or temporarily recalled: 40

- (a) the receiving State must, even in case of armed conflict, respect and protect the premises of the mission, together with its property and archives;
- (b) the sending State may entrust the custody of the premises of the mission, together with its property and archives, to a third State acceptable to the receiving State; 45
- (c) the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

diplomatieke sakke in transito dieselfde onskendbaarheid en beskerming as wat die Ontvangerstaat verplig is om te verleen.

4. Die verpligtinge van derde State kragtens paragrawe 1, 2 en 3 van hierdie Artikel is ook van toepassing op die persone onderskeidelik genoem in daardie paragrawe, en op ampelike kommunikasies en diplomatieke sakke, waarvan die teenwoordigheid in die gebied van die derde Staat die gevolg van *force majeure* is.

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Artikel 41

1. Sonder benadeling van hulle voorregte en immunitete is dit die plig van alle persone wat sodanige voorregte en immunitete geniet, om die wette en regulasies van die Ontvangerstaat te eerbiedig. Hulle staan ook onder 'n verpligting om nie in die interne aangeleenthede van daardie Staat in te meng nie.

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2. Alle ampelike besigheid met die Ontvangerstaat wat deur die Senderstaat aan die missie toevertrou is, word met of deur die Ministerie van Buitelandse Sake van die Ontvangerstaat of sodanige ander ministerie soos ooreengekom, gevoer.

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3. Die perseel van die missie word nie op enige wyse strydig met die funksies van die missie soos bepaal in hierdie Konvensie of deur enige ander reëls van die algemene volkereg of deur enige geldende spesiale ooreenkomste tussen die Senderstaat en die Ontvangerstaat, gebruik nie.

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Artikel 42

'n Diplomatieke agent mag nie in die Ontvangerstaat enige professionele of handelsaktiwiteit vir persoonlike gewin bedryf nie.

Artikel 43

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Die funksie van 'n diplomatieke agent loop ten einde, onder andere:

- (a) by kennisgewing deur die Senderstaat aan die Ontvangerstaat dat die funksie van die diplomatieke agent ten einde geloop het;
- (b) by kennisgewing deur die Ontvangerstaat aan die Senderstaat dat hy ooreenkomsdig paragraaf 2 van Artikel 9 weier om die diplomatieke agent as 'n lid van die missie te erken.

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Artikel 44

Die Ontvangerstaat moet, selfs in geval van gewapende konflik, fasiliteite beskikbaar stel ten einde persone wat voorregte en immunitete geniet, uitgesonderd burgers van die Ontvangerstaat, en lede van die families van sodanige persone, ongeag hulle nasionaliteit, in staat te stel om op die vroegste moontlike oomblik te vertrek. Dit moet in die besonder in geval van nood die nodige vervoermiddele vir hulself en hulle eiendom tot hulle beskikking stel.

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Artikel 45

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Indien diplomatieke betrekkinge tussen twee State verbreek word, of indien 'n missie permanent of tydelik teruggeroep word:

- (a) moet die Ontvangerstaat, selfs in geval van gewapende konflik, die perseel van die missie, tesame met sy eiendom en argief, eerbiedig en beskerm;
- (b) kan die Senderstaat die bewaring van die perseel van die missie, tesame met sy eiendom en argief, opdra aan 'n derde Staat wat vir die Ontvangerstaat aanvaarbaar is;
- (c) kan die Senderstaat die beskerming van sy belangte en dié van sy burgers opdra aan 'n derde Staat wat vir die Ontvangerstaat aanvaarbaar is.

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Article 46

A sending State may with the prior consent of a receiving State, and at the request of a third State not represented in the receiving State, undertake the temporary protection of the interests of the third State and of its nationals.

Article 47

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1. In the application of the provisions of the present Convention, the receiving State shall not discriminate as between States.
2. However, discrimination shall not be regarded as taking place:
 - (a) where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its mission in the sending State; 10
 - (b) where by custom or agreement States extend to each other more favourable treatment than is required by the provisions of the present Convention.

Article 48

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The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other

State invited by the General Assembly of the United Nations to become a Party to the Convention, as follows: until 31 October 1961 at the Federal Ministry for Foreign Affairs of Austria and subsequently, until 31 March 1962, at the United Nations Headquarters in New York. 20

Article 49

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations. 25

Article 50

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in Article 48. The instruments of accession shall be deposited with the Secretary-General of the United Nations. 30

Article 51

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations. 35

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession. 40

Article 52

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in Article 48:

- (a) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 45 48, 49 and 50;
- (b) of the date on which the present Convention will enter into force, in accordance with Article 51.

**WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001**

Wet No. 37, 2001

Artikel 46

'n Senderstaat kan met die toestemming vooraf van 'n Ontvangerstaat en op versoek van 'n derde Staat wat nie in die Ontvangerstaat verteenwoordig word nie, die tydelike beskerming van die belangte van die derde Staat en van sy burgers onderneem.

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Artikel 47

1. By die toepassing van die bepalings van hierdie Konvensie mag die Ontvangerstaat nie tussen State diskrimineer nie.

2. Dit word egter nie as diskriminasie beskou nie:

- (a) waar die Ontvangerstaat enige van die bepalings van hierdie Konvensie beperkend toepas omrede 'n beperkende toepassing van daardie bepaling op sy missie in die Senderstaat;
- (b) waar State volgens gewoonte of ooreenkomst meer gunstige behandeling as wat deur die bepalings van hierdie Konvensie vereis word, aan mekaar verleen.

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Artikel 48

Hierdie Konvensie is oop vir ondertekening deur alle State wat Lede is van die Verenigde Nasies of van enige van die gespesialiseerde agentskappe of Partye by die Statuut van die Internasionale Gereghof, en deur enige ander Staat wat deur die Algemene Vergadering van die Verenigde Nasies genooi is om 'n Party by die Konvensie te word, soos volg: tot 31 Oktober 1961 by die Bondsmminsterie van Buitelandse Sake van Oostenryk en daarna, tot 31 Maart 1962, by die Verenigde Nasies se Hoofkwartier in New York.

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Artikel 49

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Hierdie Konvensie is onderhewig aan bekratiging. Die bekratigingsinstrumente word by die Sekretaris-generaal van die Verenigde Nasies ingedien.

Artikel 50

Hierdie Konvensie bly oop vir toetreding deur enige Staat wat behoort tot enige van die vier kategorieë in Artikel 48 bedoel. Die toetredingsinstrumente word by die Sekretaris-generaal van die Verenigde Nasies ingedien.

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Artikel 51

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1. Hierdie Konvensie tree in werking op die dertigste dag na die datum van indiening van die twee en twintigste bekratigingsinstrument of toetredingsinstrument by die Sekretaris-generaal van die Verenigde Nasies.

2. Vir elke Staat wat die Konvensie bekratig of daartoe toetree ná die indiening van die twee en twintigste bekratigingsinstrument of toetredingsinstrument, tree die Konvensie in werking op die dertigste dag na die indiening deur sodanige Staat van sy bekratigingsinstrument of toetredingsinstrument.

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Artikel 52

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Die Sekretaris-generaal van die Verenigde Nasies stel alle State wat behoort tot enige van die vier kategorieë in Artikel 48 bedoel, in kennis:

- (a) van ondertekenings van hierdie Konvensie en van die indiening van bekratigingsinstrumente of toetredingsinstrumente ooreenkomsdig Artikels 48, 49 en 50;
- (b) van die datum waarop hierdie Konvensie in werking sal tree, ooreenkomsdig Artikel 51.

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Act No. 37, 2001**DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001****Article 53**

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories 5 mentioned in Article 48.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

DONE at Vienna, this eighteenth day of April one thousand nine hundred 10 and sixty-one.

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

Artikel 53

Die oorspronklike van hierdie Konvensie, waarvan die Chinese, Engelse, Franse, Russiese en Spaanse tekste ewe outentiek is, word by die Sekretaris-generaal van die Verenigde Nasies ingedien, wat gewaarmerkte afskrifte daarvan moet stuur aan alle State wat behoort tot enige van die vier kategorieë in Artikel 48 bedoel.

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TEN BEWYSE WAARVAN die ondergetekende Gevolmagtigdes, behoorlik daartoe gemagtig deur hulle onderskeie regerings, hierdie Konvensie onderteken het.

GEDOEEN te Wenen, op hede die agtziende dag van April een duisend nege 10 honderd een en sestig.

Schedule 2**Vienna Convention on Consular Relations****Article 1***Definitions*

1. For the purposes of the present Convention, the following expressions shall have the meanings hereunder assigned to them: 5
- (a) ‘**consular post**’ means any consulate-general, consulate, vice-consulate or consular agency;
 - (b) ‘**consular district**’ means the area assigned to a consular post for the exercise of consular functions; 10
 - (c) ‘**head of consular post**’ means the person charged with the duty of acting in that capacity;
 - (d) ‘**consular officer**’ means any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions; 15
 - (e) ‘**consular employee**’ means any person employed in the administrative or technical service of a consular post;
 - (f) ‘**member of the service staff**’ means any person employed in the domestic service of a consular post;
 - (g) ‘**members of the consular post**’ means consular officers, consular employees and members of the service staff; 20
 - (h) ‘**members of the consular staff**’ means consular officers, other than the head of a consular post, consular employees and members of the service staff;
 - (i) ‘**member of the private staff**’ means a person who is employed exclusively in the private service of a member of the consular post; 25
 - (j) ‘**consular premises**’ means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;
 - (k) ‘**consular archives**’ includes all the papers, documents, correspondence, books, films, tapes and registers of the consular post, together with the ciphers and codes, the card-indexes and any article of furniture intended for their protection or safekeeping. 30
2. Consular officers are of two categories, namely career consular officers and honorary consular officers. The provisions of Chapter II of the present Convention apply to consular posts headed by career consular officers; the provisions of Chapter III govern consular posts headed by honorary consular officers. 35
3. The particular status of members of the consular posts who are nationals or permanent residents of the receiving State is governed by Article 71 of the present Convention. 40

CHAPTER I**CONSULAR RELATIONS IN GENERAL****SECTION I****ESTABLISHMENT AND CONDUCT OF CONSULAR RELATIONS****Article 2**

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Establishment of consular relations

1. The establishment of consular relations between States takes place by mutual consent.

Bylae 2**Weense Konvensie op Konsulêre Betrekkinge****Artikel 1***Woordomskrywings*

1. By die toepassing van hierdie Konvensie het die volgende uitdrukings die betekenis wat hieronder daaraan geheg word: 5
- (a) 'konsulêre pos' beteken enige konsulaat-generaal, konsulaat, vise-konsulaat of konsulêre agentskap;
 - (b) 'konsulêre distrik' beteken die gebied wat aan 'n konsulêre pos toege wys is vir die uitvoering van konsulêre funksies; 10
 - (c) 'hoof van konsulêre pos' beteken die persoon wat die plig opgelê is om in daardie hoedanigheid op te tree;
 - (d) 'konsulêre beamppe' beteken enige persoon, met inbegrip van die hoof van 'n konsulêre pos, aan wie die uitvoering van konsulêre funksies in daardie hoedanigheid toevertrou is; 15
 - (e) 'konsulêre werknemer' beteken enige persoon in die administratiewe of tegniese diens van 'n konsulêre pos;
 - (f) 'lid van die dienspersoneel' beteken enige lid in die huishoudelike diens van 'n konsulêre pos;
 - (g) 'lede van die konsulêre pos' beteken konsulêre beamptes, konsulêre 20 werknemers en lede van die dienspersoneel;
 - (h) 'lede van die konsulêre personeel' beteken konsulêre beamptes, uitgesonderd die hoof van 'n konsulêre pos, konsulêre werknemers en lede van die dienspersoneel;
 - (i) 'lid van die private personeel' beteken 'n persoon wat uitsluitlik in 25 die private diens van 'n lid van die konsulêre pos in diens is;
 - (j) 'konsulêre perseel' beteken die geboue of dele van geboue en die grond bykomstig daar toe, ongeag wie die eienaar daarvan is, wat uitsluitlik vir die doeleindes van die konsulêre pos gebruik word;
 - (k) 'konsulêre argiewe' sluit in al die stukke, dokumente, korrespondensie, boeke, films, bande en registers van die konsulêre pos, tesame met die syferkodes en kodes, die kaartindekse en enige meublement wat bedoel is vir die beskerming of bewaring daarvan. 30
2. Daar bestaan twee kategorieë konsulêre beamptes, naamlik beroeps-konsulêre beamptes en ere- konsulêre beamptes. Die bepalings van Hoofstuk II van hierdie Konvensie is van toepassing op konsulêre poste met beroeps- konsulêre beamptes aan die hoof; die bepalings van Hoofstuk III reël konsulêre poste met ere- konsulêre beamptes aan die hoof. 35
3. Die besondere status van lede van die konsulêre poste wat burgers of permanente inwoners van die Ontvangerstaat is, word deur Artikel 71 van hierdie Konvensie gereël. 40

HOOFTUK I**KONSULÊRE BETREKKINGE IN DIE ALGEMEEN****AFDELING I****VESTIGING EN BEDRYF VAN KONSULÊRE BETREKKINGE** 45**Artikel 2***Vestiging van konsulêre betrekkinge*

1. Die vestiging van konsulêre betrekkinge tussen State geskied deur onderlinge instemming.

Act No. 37, 2001**DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001**

2. The consent given to the establishment of diplomatic relations between two States implies, unless otherwise stated, consent to the establishment of consular relations.

3. The severance of diplomatic relations shall not *ipso facto* involve the severance of consular relations.

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Article 3*Exercise of consular functions*

Consular functions are exercised by consular posts. They are also exercised by diplomatic missions in accordance with the provisions of the present Convention.

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Article 4*Establishment of a consular post*

1. A consular post may be established in the territory of the receiving State only with that State's consent.

2. The seat of the consular post, its classification and the consular district shall be established by the sending State and shall be subject to the approval of the receiving State.

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3. Subsequent changes in the seat of the consular post, its classification or the consular district may be made by the sending State only with the consent of the receiving State.

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4. The consent of the receiving State shall also be required if a consulate-general or a consulate desires to open a vice-consulate or a consular agency in a locality other than that in which it is itself established.

5. The prior express consent of the receiving State shall also be required for the opening of an office forming part of an existing consular post elsewhere than at the seat thereof.

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Article 5*Consular functions*

Consular functions consist in:

(a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;

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(b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;

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(c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;

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(d) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;

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(e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;

(f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;

(g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession *mortis causa* in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;

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2. Die instemming wat vir die vestiging van diplomatieke betrekkinge tussen twee State gegee word, impliseer, tensy die teendeel verklaar word, instemming tot die vestiging van konsulêre betrekkinge.

3. Die verbreking van diplomatieke betrekkinge behels nie *ipso facto* die verbreking van konsulêre betrekkinge nie.

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Artikel 3

Uitvoering van konsulêre funksies

Konsulêre funksies word deur konsulêre poste uitgevoer. Sodanige funksies word ook deur diplomatieke missies uitgevoer ooreenkomstig die bepalings van hierdie Konvensie.

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Artikel 4

Vestiging van 'n konsulêre pos

1. 'n Konsulêre pos kan in die gebied van die Ontvangerstaat gevestig word slegs met die toestemming van daardie Staat.

2. Die setel van die konsulêre pos, die klassifikasie daarvan en die konsulêre distrik word deur die Senderstaat bepaal en is onderworpe aan die goedkeuring van die Ontvangerstaat.

3. Latere veranderings aan die setel van die konsulêre pos, die klassifikasie daarvan of die konsulêre distrik kan deur die Senderstaat gedoeno word slegs met die toestemming van die Ontvangerstaat.

4. Die toestemming van die Ontvangerstaat word ook vereis indien 'n konsulaat-generaal of 'n konsulaat 'n visekonsulaat of 'n konsulêre agentskap wil open op 'n ander plek as die plek waar hy self gevestig is.

5. Die uitdruklike toestemming vooraf van die Ontvangerstaat word ook vereis vir die opening van 'n kantoor wat deel uitmaak van 'n bestaande konsulêre pos elders as by die setel daarvan.

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Artikel 5

Konsulêre funksies

Konsulêre funksies bestaan uit:

- (a) beskerming in die Ontvangerstaat van die belang van die Senderstaat en van sy burgers, individue sowel as regspersone, binne die perke wat deur die volkereg toegelaat word;
- (b) bevordering van die ontwikkeling van handels-, ekonomiese, kulturele en wetenskaplike betrekkinge tussen die Senderstaat en die Ontvangerstaat en bevordering andersins van vriendskaplike betrekkinge tussen hulle ooreenkomstig die bepalings van hierdie Konvensie;
- (c) vasstelling op alle regmatige wyses van toestande en ontwikkelinge in die handels-, ekonomiese, kulturele en wetenskaplike sfeer van die Ontvangerstaat, verslagdoening daaroor aan die Regering van die Senderstaat en verskaffing van inligting aan belangstellende persone;
- (d) uitreiking van paspoorte en reisdokumente aan burgers van die Senderstaat, en visums of toepaslike dokumente aan persone wat na die Senderstaat wil reis;
- (e) verlening van hulp en bystand aan burgers, individue sowel as regspersone, van die Senderstaat;
- (f) optrede as notaris en siviele registrator en in hoedanighede van soortgelyke aard, en uitvoering van sekere funksies van 'n administratiewe aard, mits daar niks teenstrydig daarmee in die wette en regulasies van die Ontvangerstaat is nie;
- (g) beveiliging van die belang van burgers, individue sowel as regspersone, van die Senderstaat in gevalle van erfopvolging *mortis causa* in die gebied van die Ontvangerstaat, ooreenkomstig die wette en regulasies van die Ontvangerstaat;

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Act No. 37, 2001**DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001**

- (h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons; 5
- (i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests; 10
- (j) transmitting judicial and extrajudicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State; 15
- (k) exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews; 20
- (l) extending assistance to vessels and aircraft mentioned in subparagraph (k) of this Article and to their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen in so far as this may be authorized by the laws and regulations of the sending State; 25
- (m) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State. 30 35

Article 6*Exercise of consular functions outside the consular district*

A consular officer may, in special circumstances, with the consent of the receiving State, exercise his functions outside his consular district.

Article 7 40*Exercise of consular functions in a third State*

The sending State may, after notifying the States concerned, entrust a consular post established in a particular State with the exercise of consular functions in another State, unless there is express objection by one of the States concerned. 45

**WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001**

Wet No. 37, 2001

- (h) beveiliging, binne die perke bepaal deur die wette en regulasies van die Ontvangerstaat, van die belang van minderjariges en ander persone wat nie ten volle handelingsbevoeg is nie en wat burgers van die Senderstaat is, in die besonder waar enige voogdyskap of trusteeskap ten aansien van sulke persone vereis word;
- (i) behoudens die praktyke en procedures wat in die Ontvangerstaat geld, verteenwoordiging van of die reël van geskikte verteenwoordiging vir burgers van die Senderstaat voor tribunale en ander owerhede van die Ontvangerstaat, met die doel om, ooreenkomstig die wette en regulasies van die Ontvangerstaat, voorlopige maatreëls vir die behoud van die regte en belang van hierdie burgers te verkry, waar, as gevolg van afwesigheid of enige ander rede, sodanige burgers nie in staat is om op die gepaste tyd die verdediging van hulle regte en belang te onderneem nie;
- (j) versending van geregtelike en nie-geregtelike dokumente of uitvoering van briewe rogatoor of kommissies om getuenis vir die howe van die Senderstaat af te neem ooreenkomstig internasionale ooreenkomste van krag of, in die afwesigheid van sodanige internasionale ooreenkomste, op enige ander wyse versoenbaar met die wette en regulasies van die Ontvangerstaat;
- (k) uitoefening van regte van toesig en inspeksie waaroor voorsiening gemaak word in die wette en regulasies van die Senderstaat ten opsigte van vaartuie wat die nasionaliteit van die Senderstaat het, en van vliegtuie wat in daardie Staat geregistreer is, en ten opsigte van hulle bemannings;
- (l) verlening van bystand aan vaartuie en vliegtuie in subparagraaf (k) van hierdie Artikel genoem, en aan hulle bemannings, neem van verklarings aangaande die vaart van 'n vaartuig, ondersoek en stempel van die skeepsdokumente, en, sonder benadeling van die bevoegdhede van die owerhede van die Ontvangerstaat, hou van ondersoek na enige voorvalle wat tydens die vaart plaasgevind het, en beslegting van geskille van enige aard tussen die skeepskaptein, die offisiere en die seemanne in soverre dit gemagtig mag word deur die wette en regulasies van die Senderstaat;
- (m) uitvoering van enige ander funksies wat deur die Senderstaat aan 'n konsulêre pos toevertrou is en wat nie deur die wette en regulasies van die Ontvangerstaat verbied word nie of waarteen daar geen beswaar deur die Ontvangerstaat aangeteken word nie of waarna in die internasionale ooreenkomste wat tussen die Senderstaat en die Ontvangerstaat van krag is, verwys word.

Artikel 6

Uitvoering van konsulêre funksies buite die konsulêre distrik

'n Konsulêre beampte kan in spesiale omstandighede, met die toestemming van die Ontvangerstaat, sy funksies buite sy konsulêre distrik uitvoer.

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Artikel 7

Uitvoering van konsulêre funksies in 'n derde Staat

Die Senderstaat kan, na kennisgewing aan die betrokke State, 'n konsulêre pos wat in 'n bepaalde Staat gevestig is, belas met die uitvoering van konsulêre funksies in 'n ander Staat, tensy daar 'n uitdruklike beswaar daarteen is deur een van die betrokke State.

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Act No. 37, 2001**DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001****Article 8***Exercise of consular functions on behalf of a third State*

Upon appropriate notification to the receiving State, a consular post of the sending State may, unless the receiving State objects, exercise consular functions in the receiving State on behalf of a third State.

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Article 9*Classes of heads of consular posts*

1. Heads of consular posts are divided into four classes, namely:

- (a) consuls-general;
- (b) consuls;
- (c) vice-consuls;
- (d) consular agents.

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2. Paragraph 1 of this Article in no way restricts the right of any of the Contracting Parties to fix the designation of consular officers other than the heads of consular posts.

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Article 10*Appointment and admission of heads of consular posts*

1. Heads of consular posts are appointed by the sending State and are admitted to the exercise of their functions by the receiving State.

2. Subject to the provisions of the present Convention, the formalities for the appointment and for the admission of the head of a consular post are determined by the laws, regulations and usages of the sending State and of the receiving State respectively.

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Article 11*The consular commission or notification of appointment*

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1. The head of a consular post shall be provided by the sending State with a document, in the form of a commission or similar instrument, made out for each appointment, certifying his capacity and showing, as a general rule, his full name, his category and class, the consular district and the seat of the consular post.

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2. The sending State shall transmit the commission or similar instrument through the diplomatic or other appropriate channel to the Government of the State in whose territory the head of a consular post is to exercise his functions.

3. If the receiving State agrees, the sending State may, instead of a commission or similar instrument, send to the receiving State a notification containing the particulars required by paragraph 1 of this Article.

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Article 12*The exequatur*

1. The head of a consular post is admitted to the exercise of his functions by an authorization from the receiving State termed an exequatur, whatever the form of this authorization.

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2. A State which refuses to grant an exequatur is not obliged to give to the sending State reasons for such refusal.

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

Artikel 8

Uitvoering van konsulêre funksies ten behoeve van 'n derde Staat

Met gepaste kennisgewing aan die Ontvangerstaat kan 'n konsulêre pos van die Senderstaat konsulêre funksies in die Ontvangerstaat ten behoeve van 'n derde Staat uitvoer, tensy die Ontvangerstaat beswaar maak daarteen.

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Artikel 9

Klasse hoofde van konsulêre poste

1. Hoofde van konsulêre poste word in vier klasse ingedeel, naamlik:
 (a) konsuls-generaal; 10
 (b) konsuls;
 (c) visekonsuls;
 (d) konsulêre agente.
2. Paragraaf 1 van hierdie Artikel beperk op geen wyse die regte van enige van die Kontraktrende Partye om die benaming van ander konsulêre beamptes as die hoofde van konsulêre poste te bepaal nie. 15

Artikel 10

Aanstelling en toelating van hoofde van konsulêre poste

1. Hoofde van konsulêre poste word deur die Senderstaat aangestel en word deur die Ontvangerstaat toegelaat tot die uitvoering van hulle funksies. 20
2. Behoudens die bepalings van hierdie Konvensie word die formaliteit vir die aanstelling en vir die toelating van die hoof van 'n konsulêre pos bepaal deur die wette, regulasies en gebruikte van onderskeidelik die Senderstaat en die Ontvangerstaat. 25

Artikel 11

Die konsulêre kommissie of kennisgewing van aanstelling

1. Die hoof van 'n konsulêre pos word deur die Senderstaat voorsien van 'n dokument, in die vorm van 'n kommissie of soortgelyke instrument, uitgemaak vir elke aanstelling, waarin sy hoedanigheid gesertifiseer word en, as 'n algemene reël, sy volle naam, sy kategorie en klas, die konsulêre distrik en die setel van die konsulêre pos getoon word. 30
2. Die Senderstaat versend die kommissie of soortgelyke instrument langs die diplomatieke of ander gepaste kanaal aan die Regering van die Staat in wie se gebied die hoof van 'n konsulêre pos sy funksies moet uitvoer. 35
3. Indien die Ontvangerstaat akkoord gaan, kan die Senderstaat, in plaas van 'n kommissie of soortgelyke instrument, aan die Ontvangerstaat 'n kennisgewing stuur wat die besonderhede bevat wat by paragraaf 1 van hierdie Artikel vereis word. 40

Artikel 12

Die exequatur

1. Die hoof van 'n konsulêre pos word tot die uitvoering van sy funksies toegelaat deur 'n magtiging van die Ontvangerstaat, wat 'n exequatur genoem word, ongeag die vorm van hierdie magtiging. 45
2. 'n Staat wat weier om 'n exequatur te verleen, is nie verplig om redes vir sodanige weiering aan die Senderstaat te verstrek nie.

3. Subject to the provisions of Articles 13 and 15, the head of a consular post shall not enter upon his duties until he has received an exequatur.

Article 13

Provisional admission of heads of consular posts

Pending delivery of the exequatur, the head of a consular post may be admitted on a provisional basis to the exercise of his functions. In that case, the provisions of the present Convention shall apply. 5

Article 14

Notification to the authorities of the consular district

As soon as the head of a consular post is admitted even provisionally to the exercise of his functions, the receiving State shall immediately notify the competent authorities of the consular district. It shall also ensure that the necessary measures are taken to enable the head of a consular post to carry out the duties of his office and to have the benefit of the provisions of the present Convention. 10 15

Article 15

Temporary exercise of the functions of the head of a consular post

1. If the head of a consular post is unable to carry out his functions or the position of head of consular post is vacant, an acting head of post may act provisionally as head of the consular post. 20

2. The full name of the acting head of post shall be notified either by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, or, if he is unable to do so, by any competent authority of the sending State, to the Ministry for Foreign Affairs of the receiving State or to the authority designated by that Ministry. As a general rule, this notification shall be given in advance. The receiving State may make the admission as acting head of post of a person who is neither a diplomatic agent nor a consular officer of the sending State in the receiving State conditional on its consent. 25

3. The competent authorities of the receiving State shall afford assistance and protection to the acting head of post. While he is in charge of the post, the provisions of the present Convention shall apply to him on the same basis as to the head of the consular post concerned. The receiving State shall not, however, be obliged to grant to an acting head of post any facility, privilege or immunity which the head of the consular post enjoys only subject to conditions not fulfilled by the acting head of post. 30 35

4. When, in the circumstances referred to in paragraph 1 of this Article, a member of the diplomatic staff of the diplomatic mission of the sending State in the receiving State is designated by the sending State as an acting head of post, he shall, if the receiving State does not object thereto, continue to enjoy diplomatic privileges and immunities. 40

Article 16

Precedence as between heads of consular posts

1. Heads of consular posts shall rank in each class according to the date of the grant of the exequatur. 45

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

3. Behoudens die bepalings van Artikels 13 en 15 mag die hoof van 'n konsulêre pos nie met sy pligte begin alvorens hy 'n exequatur ontvang het nie.

Artikel 13

Voorlopige toelating van hoofde van konsulêre poste

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Hangende die lewering van die exequatur kan die hoof van 'n konsulêre pos op 'n voorlopige grondslag tot die uitvoering van sy funksies toegelaat word. In so 'n geval is die bepalings van hierdie Konvensie van toepassing.

Artikel 14

Kennisgewing aan die owerhede van die konsulêre distrik

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Sodra die hoof van 'n konsulêre pos toegelaat is, selfs voorlopig, tot die uitvoering van sy funksies, moet die Ontvangerstaat die bevoegde owerhede van die konsulêre distrik onmiddellik in kennis stel. Die Ontvangerstaat moet ook verseker dat die nodige maatreëls getref word om die hoof van 'n konsulêre pos in staat te stel om sy ampspligte uit te voer en 15 om die voordeel van die bepalings van hierdie Konvensie te geniet.

Artikel 15

Tydelike uitvoering van die funksies van die hoof van 'n konsulêre pos

1. Indien die hoof van 'n konsulêre pos nie in staat is om sy funksies uit te voer nie of die posisie van hoof van die konsulêre pos vakant is, kan 'n 20 waarnemende hoof van pos voorlopig as hoof van die konsulêre pos optree.

2. Die volle naam van die waarnemende hoof van pos moet deur die diplomatieke missie van die Senderstaat of, indien daardie Staat geen sodanige missie in die Ontvangerstaat het nie, deur die hoof van die konsulêre pos, of, indien hy nie in staat is om dit te doen nie, deur enige 25 bevoegde owerheid van die Senderstaat meegedeel word aan die Ministerie van Buitelandse Sake van die Ontvangerstaat of aan die owerheid wat deur daardie Ministerie aangewys is. As 'n algemene reël moet hierdie kennisgewing vooruit gegee word. Die Ontvangerstaat kan die toelating in die Ontvangerstaat as waarnemende hoof van pos van 'n persoon wat nie 'n 30 diplomatieke agent of 'n konsulêre beampte van die Senderstaat is nie, aan sy toestemming onderhewig maak.

3. Die bevoegde owerhede van die Ontvangerstaat moet bystand en beskerming aan die waarnemende hoof van pos bied. Terwyl hy in beheer van die pos is, is die bepalings van hierdie Konvensie op hom van 35 toepassing op dieselfde grondslag as op die hoof van die betrokke konsulêre pos. Die Ontvangerstaat is egter nie verplig om aan 'n waarnemende hoof van pos enige fasilitet, voorreg of immunititeit te verleen nie wat die hoof van die konsulêre pos geniet, slegs behoudens voorwaardes wat nie deur die waarnemende hoof van pos nagekom word nie.

4. Wanneer, in die omstandighede in paragraaf 1 van hierdie Artikel bedoel, 'n lid van die diplomatieke personeel van die diplomatieke missie van die Senderstaat in die Ontvangerstaat deur die Senderstaat as 'n 40 waarnemende hoof van pos aangewys word, gaan hy voort om diplomatieke voorregte en immuniteteit te geniet indien die Ontvangerstaat nie daarteen beswaar maak nie.

Artikel 16

Voorrang tussen hoofde van konsulêre poste

1. Hoofde van konsulêre poste beklee 'n voorrangposisie in elke klas volgens die datum waarop die exequatur verleen is.

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Act No. 37, 2001**DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001**

2. If, however, the head of a consular post before obtaining the exequatur is admitted to the exercise of his functions provisionally, his precedence shall be determined according to the date of the provisional admission; this precedence shall be maintained after the granting of the exequatur. 5
3. The order of precedence as between two or more heads of consular posts who obtained the exequatur or provisional admission on the same date shall be determined according to the dates on which their commissions or similar instruments or the notifications referred to in paragraph 3 of Article 11 were presented to the receiving State. 10
4. Acting heads of posts shall rank after all heads of consular posts and, as between themselves, they shall rank according to the dates on which they assumed their functions as acting heads of posts as indicated in the notifications given under paragraph 2 of Article 15. 10
5. Honorary consular officers who are heads of consular posts shall rank in each class after career heads of consular posts, in the order and according to the rules laid down in the foregoing paragraphs. 15
6. Heads of consular posts shall have precedence over consular officers not having that status.

Article 17*Performance of diplomatic acts by consular officers*

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1. In a State where the sending State has no diplomatic mission and is not represented by a diplomatic mission of a third State, a consular officer may, with the consent of the receiving State, and without affecting his consular status, be authorized to perform diplomatic acts. The performance of such acts by a consular officer shall not confer upon him any right to claim 25 diplomatic privileges and immunities.
2. A consular officer may, after notification addressed to the receiving State, act as representative of the sending State to any inter-governmental organization. When so acting, he shall be entitled to enjoy any privileges and immunities accorded to such a representative by customary international law or by international agreements; however, in respect of the performance by him of any consular function, he shall not be entitled to any greater immunity from jurisdiction than that to which a consular officer is entitled under the present Convention. 30

Article 18

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Appointment of the same person by two or more states as a consular officer

Two or more States may, with the consent of the receiving State, appoint the same person as a consular officer in that State.

Article 19*Appointment of members of consular staff*

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1. Subject to the provisions of Articles 20, 22 and 23, the sending State may freely appoint the members of the consular staff.
2. The full name, category and class of all consular officers, other than the head of a consular post, shall be notified by the sending State to the receiving State in sufficient time for the receiving State, if it so wishes, to 45 exercise its rights under paragraph 3 of Article 23.
3. The sending State may, if required by its laws and regulations, request the receiving State to grant an exequatur to a consular officer other than the head of a consular post.

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

2. Indien die hoof van 'n konsulêre pos egter voor verkryging van die exequator voorlopig toegelaat word tot die uitvoering van sy funksies, word sy voorrang bepaal volgens die datum van die voorlopige toelating; hierdie voorrang word na verlening van die exequatur voortgesit.

3. Die voorrangorde tussen twee of meer hoofde van konsulêre poste wat die exequatur of voorlopige toelating op dieselfde datum ontvang het, word bepaal volgens die datums waarop hulle kommissies of soortgelyke instrumente of die kennisgewings in paragraaf 3 van Artikel 11 bedoel, aan die Ontvangerstaat oorhandig is. 5

4. Waarnemende hoofde van poste is in voorrang ná alle hoofde van konsulêre poste, en onder mekaar is hulle voorrang volgens die datum waarop hulle funksies as waarnemende hoofde van poste aanvaar het, soos aangedui in die kennisgewings wat ingevolge paragraaf 2 van Artikel 15 uitgereik is. 10

5. Ere- konsulêre beampes wat hoofde van konsulêre poste is, kom in elke klas ná beroepshoofde van konsulêre poste, in die volgorde en volgens die reëls wat in die voorgaande paragrawe bepaal is. 15

6. Hoofde van konsulêre poste geniet voorrang bo konsulêre beampes wat nie dié status het nie.

Artikel 17

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Verrigting van diplomatieke handelinge deur konsulêre beampes

1. In 'n Staat waar die Senderstaat geen diplomatieke missie het nie en nie deur 'n diplomatieke missie van 'n derde Staat verteenwoordig word nie, kan 'n konsulêre beampte, met die toestemming van die Ontvangerstaat, en sonder dat sy konsulêre status geraak word, gemagtig word om diplomatieke handelinge te verrig. Die verrigting van sodanige handelinge deur 'n konsulêre beampte verleen nie aan hom enige reg om op diplomatieke voorregte en immuniteite aanspraak te maak nie. 25

2. 'n Konsulêre beampte kan, nadat kennis aan die Ontvangerstaat gegee is, as verteenwoordiger van die Senderstaat by enige tussenregeringsorganisasie optree. Wanneer hy aldus optree, is hy geregtig om enige voorregte en immuniteite wat aan so 'n verteenwoordiger deur die internasionale gewoontereg of deur internasionale ooreenkomste verleen word, te geniet; ten opsigte van die verrigting van enige konsulêre funksies deur hom is hy egter nie geregtig op enige groter immuniteit teen jurisdiksie as dié waarop 'n konsulêre beampte kragtens hierdie Konvensie geregtig is nie. 30

Artikel 18

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Aanstelling van dieselfde persoon deur twee of meer State as 'n konsulêre beampte

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Twee of meer State kan, met die toestemming van die die Ontvangerstaat, dieselfde persoon as 'n konsulêre beampte in daardie Staat aanstel.

Artikel 19

Aanstelling van lede van konsulêre personeel

1. Behoudens die bepalings van Artikels 20, 22 en 23 kan die Senderstaat die lede van die konsulêre personeel na goeddunke aanstel. 45

2. Die volle naam, kategorie en klas van alle konsulêre beampes, uitgesonderd die hoof van 'n konsulêre pos, moet deur die Senderstaat aan die Ontvangerstaat bekend gemaak word met voldoende tyd vir die Ontvangerstaat, indien hy dit wil doen, om sy regte ingevolge paragraaf 3 van Artikel 23 uit te oefen. 50

3. Die Senderstaat kan, indien dit deur sy wette en regulasies vereis word, die Ontvangerstaat versoek om 'n exequatur aan 'n ander konsulêre beampte as die hoof van 'n konsulêre pos te verleen.

4. The receiving State may, if required by its laws and regulations, grant an exequatur to a consular officer other than the head of a consular post.

Article 20

Size of the consular staff

In the absence of an express agreement as to the size of the consular staff, the receiving State may require that the size of the staff be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the consular district and to the needs of the particular post. 5

Article 21

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Precedence as between consular officers of a consular post

The order of precedence as between the consular officers of a consular post and any change thereof shall be notified by the diplomatic mission of the sending State or, if that State has no such mission in the receiving State, by the head of the consular post, to the Ministry for Foreign Affairs of the 15 receiving State or to the authority designated by that Ministry.

Article 22

Nationality of consular officers

1. Consular officers should, in principle, have the nationality of the sending State. 20

2. Consular officers may not be appointed from among persons having the nationality of the receiving State except with the express consent of that State which may be withdrawn at any time.

3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State. 25

Article 23

Persons declared "non grata"

1. The receiving State may at any time notify the sending State that a consular officer is *persona non grata* or that any other member of the consular staff is not acceptable. In that event, the sending State shall, as the case may be, either recall the person concerned or terminate his functions with the consular post. 30

2. If the sending State refuses or fails within a reasonable time to carry out its obligations under paragraph 1 of this Article, the receiving State may, as the case may be, either withdraw the exequatur from the person concerned or cease to consider him as a member of the consular staff. 35

3. A person appointed as a member of a consular post may be declared unacceptable before arriving in the territory of the receiving State or, if already in the receiving State, before entering on his duties with the consular post. In any such case, the sending State shall withdraw his appointment. 40

4. In the cases mentioned in paragraphs 1 and 3 of this Article, the receiving State is not obliged to give to the sending State reasons for its decision.

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WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

4. Die Ontvangerstaat kan, indien dit deur sy wette en regulasies vereis word, 'n exequatur aan 'n ander konsulêre beampte as die hoof van 'n konsulêre pos verleen.

Artikel 20

Grootte van die konsulêre personeel

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By onstentenis van 'n uitdruklike ooreenkoms oor die grootte van die konsulêre personeel kan die Ontvangerstaat vereis dat die grootte van die personeel gehou word binne perke wat hy as redelik en normaal beskou, met inagneming van die omstandighede en toestande in die konsulêre distrik en van die behoeftes van die bepaalde pos.

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Artikel 21

Voorrang tussen konsulêre beampes van 'n konsulêre pos

Die voorrang tussen die konsulêre beampes van 'n konsulêre pos en enige verandering daarvan moet deur die diplomatieke missie van die Senderstaat of, indien daardie Staat geen sodanige missie in die Ontvangerstaat het nie, deur die hoof van die konsulêre pos meegedeel word aan die Ministerie van Buitelandse Sake van die Ontvangerstaat of aan die owerheid wat deur daardie Ministerie aangewys is.

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Artikel 22

Nasionaliteit van konsulêre beampes

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1. Konsulêre beampes moet in beginsel die nasionaliteit van die Senderstaat hê.

2. Konsulêre beampes mag nie vanuit die geledere van persone met die nasionaliteit van die Ontvangerstaat aangestel word nie, uitgesonderd met die uitdruklike toestemming van daardie Staat, wat te eniger tyd ingetrek kan word.

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3. Die Ontvangerstaat kan dieselfde reg voorbehou met betrekking tot burgers van 'n derde Staat wat nie ook burgers van die Senderstaat is nie.

Artikel 23

Persone wat "non grata" verklaar is

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1. Die Ontvangerstaat kan die Senderstaat te eniger tyd in kennis stel dat 'n konsulêre beampte 'n *persona non grata* is of dat enige ander lid van die konsulêre personeel nie aanvaarbaar is nie. In so 'n geval moet die Senderstaat, na gelang van die geval, die betrokke persoon terugroep of sy funksies by die konsulêre pos beëindig.

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2. Indien die Senderstaat weier of versuim om sy verpligte ingevolge paragraaf 1 van hierdie Artikel binne 'n redelike tydperk uit te voer, kan die Ontvangerstaat, na gelang van die geval, die exequatur van die betrokke persoon intrek of ophou om hom as 'n lid van die konsulêre personeel te beskou.

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3. 'n Persoon wat as 'n lid van 'n konsulêre pos aangestel is, kan as onaanvaarbaar verklaar word voor sy aankoms in die gebied van die Ontvangerstaat of, indien hy reeds in die Ontvangerstaat is, voordat hy sy pligte by die konsulêre pos aanvaar. In enige sodanige geval moet die Senderstaat sy aanstelling intrek.

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4. In die gevalle in paragrawe 1 en 3 van hierdie Artikel bedoel, is die Ontvangerstaat nie verplig om redes vir sy besluit aan die Senderstaat te verstrek nie.

Act No. 37, 2001**DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001****Article 24***Notification to the receiving State of appointments,
arrivals and departures*

1. The Ministry for Foreign Affairs of the receiving State or the authority designated by that Ministry shall be notified of: 5
- (a) the appointment of members of a consular post, their arrival after appointment to the consular post, their final departure or the termination of their functions and any other changes affecting their status that may occur in the course of their service with the consular post; 10
 - (b) the arrival and final departure of a person belonging to the family of a member of a consular post forming part of his household and, where appropriate, the fact that a person becomes or ceases to be such a member of the family;
 - (c) the arrival and final departure of members of the private staff and, where appropriate, the termination of their service as such; 15
 - (d) the engagement and discharge of persons resident in the receiving State as members of a consular post or as members of the private staff entitled to privileges and immunities.
2. When possible, prior notification of arrival and final departure shall also be given. 20

SECTION II**END OF CONSULAR FUNCTIONS****Article 25***Termination of the functions of a member of a consular post* 25

The functions of a member of a consular post shall come to an end *inter alia*:

- (a) on notification by the sending State to the receiving State that his functions have come to an end;
- (b) on withdrawal of the exequatur; 30
- (c) on notification by the receiving State to the sending State that the receiving State has ceased to consider him as a member of the consular staff.

Article 26*Departure from the territory of the receiving State* 35

The receiving State shall, even in case of armed conflict, grant to members of the consular post and members of the private staff, other than nationals of the receiving State, and to members of their families forming part of their households irrespective of nationality, the necessary time and facilities to enable them to prepare their departure and to leave at the earliest possible moment after the termination of the functions of the members concerned. In particular, it shall, in case of need, place at their disposal the necessary means of transport for themselves and their property other than property acquired in the receiving State the export of which is prohibited at the time of departure. 40 45

Article 27*Protection of consular premises and archives and of the interests of the sending State in exceptional circumstances*

1. In the event of the severance of consular relations between two States:

Artikel 24

Kennisgewing aan die Ontvangerstaat van aanstelling, aankoms en vertrek

1. Die Ministerie van Buitelandse Sake van die Ontvangerstaat of die owerheid deur daardie Ministerie aangewys, moet in kennis gestel word van:
- (a) die aanstelling van lede van 'n konsulêre pos, hulle aankoms na aanstelling in die konsulêre pos, hulle finale vertrek of die beëindiging van hulle funksies en enige ander veranderinge rakende hulle status wat in die loop van hulle diens by die konsulêre pos plaasvind; 5
 - (b) die aankoms en finale vertrek van 'n persoon wat behoort tot die familie van 'n lid van 'n konsulêre pos wat deel van sy huishouding uitmaak en, waar toepaslik, die feit dat 'n persoon so 'n lid van die familie word of ophou om dit te wees; 10
 - (c) die aankoms en finale vertrek van lede van die private personeel en, waar toepaslik, die beëindiging van hulle diens as sodanig; 15
 - (d) die indiensneming en ontslag van personele woonagtig in die Ontvangerstaat as lede van 'n konsulêre pos of as lede van die private personeel wat op voorregte en immuniteite geregtig is.
2. Wanneer moontlik, moet daar ook vooraf kennis gegee word van aankoms en finale vertrek. 20

AFDELING II

EINDE VAN KONSULÊRE FUNKSIES

Artikel 25

Beëindiging van die funksies van 'n lid van 'n konsulêre pos

- Die funksies van 'n lid van 'n konsulêre pos loop ten einde onder andere: 25
- (a) by kennisgewing deur die Senderstaat aan die Ontvangerstaat dat sy funksies ten einde geloop het;
 - (b) by intrekking van die executur;
 - (c) by kennisgewing deur die Ontvangerstaat aan die Senderstaat dat die Ontvangerstaat opgehou het om hom as 'n lid van die konsulêre 30 personeel te beskou.

Artikel 26

Vertrek uit die gebied van die Ontvangerstaat

Die Ontvangerstaat moet, selfs in die geval van gewapende konflik, aan lede van die konsulêre pos en lede van die private personeel, uitgesonderd burgers van die Ontvangerstaat, en aan lede van hulle gesinne wat deel van hulle huishoudings uitmaak, ongeag nasionaliteit, die nodige tyd en fasiliteite bied om hulle in staat te stel om voorbereidsels te tref vir hulle vertrek en om op die vroegs moontlike oomblik na die beëindiging van die funksies van die betrokke lede te vertrek. In die besonder moet hy, in geval van nood, die nodige vervoermiddele vir hulself en hulle eiendom, uitgesonderd eiendom wat in die Ontvangerstaat verkry is waarvan die uitvoer ten tyde van die vertrek verbode is, tot hulle beskikking stel. 35 40

Artikel 27

Beskerming van konsulêre persele en argiewe en van die belang van die Senderstaat in buitengewone omstandighede 45

1. In die geval van die verbreking van konsulêre betrekkinge tussen twee State:

- (a) the receiving State shall, even in case of armed conflict, respect and protect the consular premises, together with the property of the consular post and the consular archives;
- (b) the sending State may entrust the custody of the consular premises, together with the property contained therein and the consular archives, to a third State acceptable to the receiving State;
- (c) the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.
2. In the event of the temporary or permanent closure of a consular post, the provisions of sub-paragraph (a) of paragraph 1 of this Article shall apply. In addition,
- (a) if the sending State, although not represented in the receiving State by a diplomatic mission, has another consular post in the territory of that State, that consular post may be entrusted with the custody of the premises of the consular post which has been closed, together with the property contained therein and the consular archives, and, with the consent of the receiving State, with the exercise of consular functions in the district of that consular post; or
- (b) if the sending State has no diplomatic mission and no other consular post in the receiving State, the provisions of sub-paragraphs (b) and (c) of paragraph 1 of this Article shall apply.

CHAPTER II

FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO CONSULAR POSTS, CAREER CONSULAR OFFICERS AND OTHER MEMBERS OF A CONSULAR POST

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SECTION I

FACILITIES, PRIVILEGES AND IMMUNITIES RELATING TO A CONSULAR POST

Article 28

Facilities for the work of the consular post

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The receiving State shall accord full facilities for the performance of the functions of the consular post.

Article 29

Use of national flag and coat-of-arms

1. The sending State shall have the right to the use of its national flag and coat-of-arms in the receiving State in accordance with the provisions of this Article.

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2. The national flag of the sending State may be flown and its coat-of-arms displayed on the building occupied by the consular post and at the entrance door thereof, on the residence of the head of the consular post and on his means of transport when used on official business.

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3. In the exercise of the right accorded by this Article regard shall be had to the laws, regulations and usages of the receiving State.

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

- (a) moet die Ontvangerstaat, selfs in geval van gewapende konflik, die konsulêre perseel, tesame met die eiendom van die konsulêre pos en die konsulêre argief, eerbiedig en beskerm;
 - (b) kan die Senderstaat die beskerming van die konsulêre perseel, tesame met die eiendom daarin vervat en die konsulêre argief, opdra aan 'n derde Staat wat vir die Ontvangerstaat aanvaarbaar is; 5
 - (c) kan die Senderstaat die beskerming van sy belangte en dié van sy burgers opdra aan 'n derde Staat wat vir die Ontvangerstaat aanvaarbaar is.
2. In die geval van die tydelike of permanente sluiting van 'n konsulêre pos is die bepalings van subparagraaf (a) van paragraaf 1 van hierdie Artikel van toepassing. Daarbenewens:
- (a) indien die Senderstaat, hoewel hy nie in die Ontvangerstaat deur 'n diplomatieke missie verteenwoordig word nie, 'n ander konsulêre pos in die gebied van daardie Staat het, kan daardie konsulêre pos belas word met die beskerming van die perseel van die konsulêre pos wat gesluit is, tesame met die eiendom daarin vervat en die konsulêre argief, en, met die toestemming van die Ontvangerstaat, met die uitvoering van konsulêre funksies in die distrik van daardie konsulêre pos; of 10
 - (b) indien die Senderstaat geen diplomatieke missie en geen ander konsulêre pos in die Ontvangerstaat het nie, is die bepalings van subparagrawe (b) en (c) van paragraaf 1 van hierdie Artikel van toepassing. 15

HOOFSTUK II 20

**FASILITEITE, VOORREGTE EN IMMUNITEITE MET
BETREKKING TOT KONSULÊRE POSTE, BEROEPS- KONSULÊRE
BEAMPTES EN ANDER LEDE VAN 'N KONSULÊRE POS**

AFDELING I

**FASILITEITE, VOORREGTE EN IMMUNITEITE MET 30
BETREKKING TOT 'N KONSULÊRE POS**

Artikel 28

Fasiliteite vir die werk van die konsulêre pos

Die Ontvangerstaat moet volle faciliteite vir die uitvoering van die funksies van die konsulêre pos verleen. 35

Artikel 29

Gebruik van nasionale vlag en wapen

1. Die Senderstaat het die reg op die gebruik van sy nasionale vlag en wapen in die Ontvangerstaat in ooreenstemming met die bepalings van hierdie Artikel. 40
2. Die nasionale vlag van die Senderstaat kan gevoer word en sy wapen kan vertoon word teen die gebou wat deur die konsulêre pos beset word en by die ingangsdeur daarvan, by die woning van die hoof van die konsulêre pos en op sy vervoermiddel wanneer dit vir amptelike sake gebruik word.
3. By die uitoefening van die reg wat by hierdie Artikel verleen word, 45 word daar ag geslaan op die wette, regulasies en gebruikte van die Ontvangerstaat.

Article 30

Accommodation

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws and regulations, by the sending State of premises necessary for its consular post or assist the latter in obtaining accommodation in some other way. 5
2. It shall also, where necessary, assist the consular post in obtaining suitable accommodation for its members.

Article 31

Inviolability of the consular premises 10

1. Consular premises shall be inviolable to the extent provided in this Article.
2. The authorities of the receiving State shall not enter that part of the consular premises which is used exclusively for the purpose of the work of the consular post except with the consent of the head of the consular post or of his designee or of the head of the diplomatic mission of the sending State. The consent of the head of the consular post may, however, be assumed in case of fire or other disaster requiring prompt protective action. 15
3. Subject to the provisions of paragraph 2 of this Article, the receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity. 20
4. The consular premises, their furnishings, the property of the consular post and its means of transport shall be immune from any form of requisition for purposes of national defence or public utility. If expropriation is necessary for such purposes, all possible steps shall be taken to avoid impeding the performance of consular functions, and prompt, adequate and effective compensation shall be paid to the sending State. 25

Article 32

Exemption from taxation of consular premises 30

1. Consular premises and the residence of the career head of consular post of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered. 35
2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

Article 33 40

Inviolability of the consular archives and documents

The consular archives and documents shall be inviolable at all times and wherever they may be.

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

Artikel 30

Akkommodasie

1. Die Ontvangerstaat moet die verkryging op sy gebied, in ooreenstemming met sy wette en regulasies, deur die Senderstaat van 'n perseel wat vir sy konsulêre pos nodig is, fasiliteer of laasgenoemde bystaan om akkommodasie op 'n ander wyse te bekom.

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2. Dit moet ook, waar nodig, die konsulêre pos bystaan om geskikte akkommodasie vir sy lede te bekom.

Artikel 31

Onskendbaarheid van die konsulêre perseel

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1. Konsulêre persele is onskendbaar in die mate waarvoor in hierdie Artikel voorsiening gemaak word.

2. Die owerhede van die Ontvangerstaat mag nie die gedeelte van die konsulêre perseel wat uitsluitlik vir die doeleindes van die werk van die konsulêre pos gebruik word, binnegaan nie, behalwe met die toestemming van die hoof van die konsulêre pos of van sy benoemde of van die hoof van die diplomatieke missie van die Senderstaat. Die toestemming van die hoof van die konsulêre pos kan egter in geval van brand of enige ander ramp wat onmiddellike beskermende optrede vereis, veronderstel word.

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3. Behoudens die bepalings van paragraaf 2 van hierdie Artikel verkeer die Ontvangerstaat onder 'n spesiale verpligting om alle gepaste stappe te doen om die konsulêre perseel teen enige binnedringing of skade te beskerm en om enige versturing van die vrede van die konsulêre pos of benadeling van sy waardigheid te voorkom.

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4. Die konsulêre perseel, sy meublement, die eiendom van die konsulêre pos en sy vervoermiddels is immuun teen enige vorm van rekvisisie vir die doeleindes van nasionale verdediging of openbare gebruik. Indien onteiening vir sodanige doeleindes nodig is, word alle moontlike stappe gedoen om belemmering van die uitvoering van konsulêre funksies te verhoed, en word spoedige, voldoende en effektiewe vergoeding aan die Senderstaat betaal.

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Artikel 32

Vrystelling van konsulêre perseel van belasting

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1. Konsulêre persele en die woning van die beroepshoof van die konsulêre pos waarvan die Senderstaat of iemand wat ten behoeve van hom optree die eienaar of huurder is, is vrygestel wan alle nasionale, streek- of munisipale regte en belastings hoegenaamd, uitgesonderd dié wat betaling vir spesifieke dienste gelewer, verteenwoordig.

2. Die vrystelling van belasting in paragraaf 1 van hierdie Artikel bedoel, is nie op sodanige regte en belastings van toepassing nie as dit, ooreenkomsdig die reg van die Ontvangerstaat, betaalbaar is deur die persoon wat met die Senderstaat of met die persoon wat ten behoeve van hom handel, gekontrakteer het.

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Artikel 33

Onskendbaarheid van die konsulêre argiewe en dokumente

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Die konsulêre argiewe en dokumente is te alle tye en waar hulle ook al mag wees, onskendbaar.

Act No. 37, 2001

DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

Article 34

Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure freedom of movement and travel in its territory to all members of the consular post.

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Article 35

Freedom of communication

1. The receiving State shall permit and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State, the consular post may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags and messages in code or cipher. However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

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2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

3. The consular bag shall be neither opened nor detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents or articles referred to in paragraph 4 of this Article, they may request that the bag be opened in their presence by an authorized representative of the sending State. If this request is refused by the authorities of the sending State, the bag shall be returned to its place of origin.

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4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

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5. The consular courier shall be provided with an official document indicating his status and the number of packages constituting the consular bag. Except with the consent of the receiving State he shall be neither a national of the receiving State, nor, unless he is a national of the sending State, a permanent resident of the receiving State. In the performance of his functions he shall be protected by the receiving State. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

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6. The sending State, its diplomatic missions and its consular posts may designate consular couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

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7. A consular bag may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

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Artikel 34

Vryheid van beweging

Behoudens sy wette en regulasies rakende sones waartoe toegang verbode is of gereguleer word om redes van nasionale sekuriteit, moet die Ontvangerstaat vryheid van beweging en reis in sy gebied verseker vir alle lede van die konsulêre pos.

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Artikel 35

Vryheid van kommunikasie

1. Die Ontvangerstaat moet vryheid van kommunikasie deur die konsulêre pos vir alle amptelike doeleindes toelaat en beskerm. By 10 kommunikasie met die Regering, die diplomatieke missies en ander konsulêre poste, waar ook al geleë, van die Senderstaat mag die konsulêre pos gebruik maak van alle gesikte middele, met inbegrip van diplomatieke of konsulêre koeriers, diplomatieke of konsulêre sakke en boodskappe in kode of syferkode. Die konsulêre pos mag egter 'n draadlose sender slegs 15 met toestemming van die Ontvangerstaat installeer en gebruik.

2. Die amptelike korrespondensie van die konsulêre pos is onskendbaar. Aamptelike korrespondensie beteken alle korrespondensie in verband met die konsulêre pos en sy funksies.

3. Die konsulêre sak word nog oopgemaak nog teruggehou. Nogtans, 20 indien die bevoegde owerhede van die Ontvangerstaat ernstige rede het om te vermoed dat die sak enigets anders as die korrespondensie, dokumente of artikels bedoel in paragraaf 4 van hierdie Artikel bevat, kan hulle versoek dat die sak in hulle teenwoordigheid deur 'n gemagtigde verteenwoordiger van die Senderstaat oopgemaak word. Indien hierdie versoek deur die owerhede van die Senderstaat geweier word, word die sak na sy plek van oorsprong teruggestuur.

4. Die houers wat die konsulêre sak uitmaak, moet sigbare tekens van hulle aard aan die buitekant daarvan vertoon en mag slegs amptelike korrespondensie en dokumente of artikels wat uitsluitlik vir amptelike gebruik bedoel is, bevat.

5. Die konsulêre koerier moet voorsien word van 'n amptelike dokument wat sy status en die aantal houers wat die konsulêre sak uitmaak, aandui. Behalwe met die toestemming van die Ontvangerstaat mag hy nie 'n burger van die Ontvangerstaat of, behalwe as hy 'n burger van die Senderstaat is, 35 'n permanente inwoner van die Ontvangerstaat wees nie. By die uitvoering van sy funksies moet hy deur die Ontvangerstaat beskerm word. Hy geniet persoonlike onskendbaarheid en is nie onderhewig aan enige vorm van inhegtenisme of aanhouding nie.

6. Die Senderstaat, sy diplomatieke missies en sy konsulêre poste kan 40 konsulêre koeriers *ad hoc* benoem. In sulke gevalle is die bepalings van paragraaf 5 van hierdie Artikel ook van toepassing, behalwe dat die immunitete daarin bedoel, ophou om van toepassing te wees wanneer sodanige koerier die konsulêre sak onder sy sorg aan die geadresseerde gelewer het.

7. 'n Konsulêre sak kan toevertrou word aan die kaptein van 'n skip of van 'n handelsvliegtuig wat geskeduleer is om by 'n gemagtigde poort van binnekoms te land. Hy moet voorsien word van 'n amptelike dokument wat die aantal houers wat die sak uitmaak, aandui, maar hy word nie geag 'n konsulêre koerier te wees nie. Die konsulêre pos mag, by reëling met die betrokke plaaslike owerhede, een van sy lede stuur om direk en vryelik besit van die konsulêre sak by die kaptein van die skip of van die vliegtuig te neem.

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Article 36

Communication and contact with nationals of the sending state

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:
 (a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State; 5
 (b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this sub-paragraph; 10
 (c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action. 15
 2. The rights referred to in paragraph 1 of this Article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under this Article are intended. 20 25

Article 37

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*Information in cases of deaths, guardianship or trusteeship,
wrecks and air accidents*

If the relevant information is available to the competent authorities of the receiving State, such authorities shall have the duty:

- (a) in the case of the death of a national of the sending State, to inform without delay the consular post in whose district the death occurred; 35
 (b) to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending State. The giving of this information shall, however, be without prejudice to the operation of the laws and regulations of the receiving State concerning such appointments; 40
 (c) if a vessel, having the nationality of the sending State, is wrecked or runs aground in the territorial sea or internal waters of the receiving State, or if an aircraft registered in the sending State suffers an accident on the territory of the receiving State, to inform without delay the consular post nearest to the scene of the occurrence. 45

Artikel 36

Kommunikasie en kontak met burgers van die Senderstaat

1. Met die oog op die fasilitering van die verrigting van konsulêre funksies rakende burgers van die Senderstaat:
- (a) geniet konsulêre beamptes vryheid om met burgers van die Senderstaat te kommunikeer en toegang tot hulle te hê. Burgers van die Senderstaat het dieselfde vryheid met betrekking tot kommunikasie met en toegang tot konsulêre beamptes van die Senderstaat; 5
 - (b) indien hy dit versoek, moet die bevoegde owerhede van die Ontvangerstaat sonder versuim die konsulêre pos van die Senderstaat inlig indien, binne sy konsulêre distrik, 'n burger van daardie Staat in hegtenis geneem word of in 'n gevvangenis opgeneem word of bewaak word hangende 'n verhoor of op enige ander wyse aangehou word. Enige kommunikasie gerig aan die konsulêre pos deur die persoon wat in hegtenis geneem is, in die gevvangenis is, bewaak word of aangehou word, moet ook sonder versuim deur gemelde owerhede aangestuur word. Gemelde owerhede moet die betrokke persoon sonder versuim inlig oor sy regte kragtens hierdie subparagraaf; 10
 - (c) het konsulêre beamptes die reg om 'n burger van die Senderstaat te besoek wat in die gevvangenis, bewaking of aanhouding is, om met hom gesprek en korrespondensie te voer en reëlings te tref vir sy regsverteenvoerdiging. Hulle het ook die reg om enige burger van die Senderstaat te besoek wat in die gevvangenis, bewaking of aanhouding is in hulle distrik voortspruitend uit 'n vonnis. Desondanks moet konsulêre beamptes hulle daarvan weerhou om stapte te doen namens 'n burger wat in die gevvangenis, bewaking of aanhouding is indien hy sodanige stapte uitdruklik teenstaan. 15
2. Die regte in paragraaf 1 van hierdie Artikel bedoel, word uitgeoefen in ooreenstemming met die wette en regulasies van die Ontvangerstaat, maar met die voorbehoud dat gemelde wette en regulasies dit moontlik maak dat daar ten volle uitvoering gegee kan word aan die doeleindes waarvoor die regte wat kragtens hierdie Artikel verleen word, bedoel is. 20

Artikel 37

*Inligting in gevalle van dood, voogdyskap of trusteeskap,
wrakke en vliegongelukke*

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- Indien die tersaaklike inligting tot beskikking van die bevoegde owerhede van die Ontvangerstaat is, het sodanige owerhede die plig:
- (a) in die geval van die dood van 'n burger van die Senderstaat, om die konsulêre pos in wie se distrik die sterfgeval voorgekom het, sonder versuim in kennis te stel; 40
 - (b) om die bevoegde konsulêre pos sonder versuim in kennis te stel van enige geval waar die aanstelling van 'n voog of trustee skynbaar in belang van 'n minderjarige of ander persoon is wat nie ten volle handelingsbevoeg is nie en wat 'n burger van die Senderstaat is. Die verstrekking van hierdie inligting geskied egter sonder benadeling van die werking van die wette en regulasies van die Ontvangerstaat rakende sodanige aanstellings; 45
 - (c) indien 'n vaartuig met die nasionaliteit van die Senderstaat skipbreuk ly of strand in die gebiedswaters of binnelandse waters van die Ontvangerstaat, of indien 'n vliegtuig wat in die Senderstaat geregistreer is, betrokke is in 'n ongeluk in die gebied van die Ontvangerstaat, om die konsulêre pos naaste aan die toneel van die gebeure sonder versuim in kennis te stel. 50

Act No. 37, 2001

DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

Article 38

Communication with the authorities of the receiving State

In the exercise of their functions, consular officers may address:

- (a) the competent local authorities of their consular district;
- (b) the competent central authorities of the receiving State if and to the extent that this is allowed by the laws, regulations and usages of the receiving State or by the relevant international agreements.

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Article 39

Consular fees and charges

1. The consular post may levy in the territory of the receiving State the fees and charges provided by the laws and regulations of the sending State for consular acts.

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2. The sums collected in the form of the fees and charges referred to in paragraph 1 of this Article, and the receipts for such fees and charges, shall be exempt from all dues and taxes in the receiving State.

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SECTION II

FACILITIES, PRIVILEGES AND IMMUNITIES
RELATING TO CAREER CONSULAR OFFICERS
AND OTHER MEMBERS OF A CONSULAR POST

Article 40

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Protection of consular officers

The receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.

Article 41

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Personal inviolability of consular officers

1. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

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2. Except in the case specified in paragraph 1 of this Article, consular officers shall not be committed to prison or liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect.

3. If criminal proceedings are instituted against a consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except in the case specified in paragraph 1 of this Article, in a manner which will hamper the exercise of consular functions as little as possible.

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When, in the circumstances mentioned in paragraph 1 of this Article, it has become necessary to detain a consular officer, the proceedings against him shall be instituted with the minimum of delay.

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Artikel 38

Kommunikasie met die owerhede van die Ontvangerstaat

By die uitvoering van hulle funksies kan konsulêre beamptes hulle wend tot:

- (a) die bevoegde plaaslike owerhede van hulle konsulêre distrik; 5
- (b) die bevoegde sentrale owerhede van die Ontvangerstaat indien en in die mate dat dit toegelaat word deur die wette, regulasies en gebruikte van die Ontvangerstaat of deur die tersaaklike internasionale ooreenkomste.

Artikel 39

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Konsulêre gelde en vorderings

1. Die konsulêre pos kan in die gebied van die Ontvangerstaat die gelde en vorderings vir konsulêre handelinge hef waarvoor die wette en regulasies van die Senderstaat voorsiening maak.

2. Die bedrae wat ingesamel word as die gelde en vorderings in paragraaf 15 van hierdie Artikel bedoel, en die kwitansies vir sodanige gelde en vorderings, is van alle regte en belastings in die Ontvangerstaat vrygestel.

AFDELING II

FASILITEITE, VOORREGTE EN IMMUNITEITE MET
BETREKKING TOT BEROEPS- KONSULÊRE BEAMPTES EN 20
ANDER LEDE VAN 'N KONSULÊRE POS

Artikel 40

Beskerming van konsulêre beamptes

Die Ontvangerstaat moet konsulêre beamptes met die nodige eerbied behandel en alle toepaslike stappe doen om enige aanval op hulle persoon, 25 vryheid of waardigheid te voorkom.

Artikel 41

Persoonlike onskendbaarheid van konsulêre beamptes

1. Konsulêre beamptes is nie aan inhegtenisname of aanhouding in afwagting van 'n verhoor onderhewig nie, behalwe in die geval van 'n ernstige misdryf en uit hoofde van 'n beslissing deur 'n bevoegde geregtelike owerheid. 30

2. Behalwe in die geval in paragraaf 1 van hierdie Artikel bedoel, word konsulêre beamptes nie gevange gesit of onderhewig gestel aan enige vorm van beperking op hulle persoonlike vryheid nie behalwe by die tenuitvoerlegging van 'n geregtelike eindbeslissing. 35

3. Indien strafregtelike verrigtinge teen 'n konsulêre beampte ingestel word, moet hy voor die bevoegde owerhede verskyn. Die verrigtinge moet egter gevoer word met die eerbeid wat aan hom verskuldig is uit hoofde van sy amptelike posisie en, behalwe in die geval in paragraaf 1 van hierdie Artikel bedoel, op 'n wyse wat die uitvoering van konsulêre funksies so min moontlik belemmer. Wanneer, in die omstandighede in paragraaf 1 van hierdie Artikel bedoel, dit nodig geword het om 'n konsulêre beampte aan te hou, moet die verrigtinge teen hom met die minimum vertraging ingestel word. 40

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Article 42

Notification of arrest, detention or prosecution

In the event of the arrest or detention, pending trial, of a member of the consular staff, or of criminal proceedings being instituted against him, the receiving State shall promptly notify the head of the consular post. Should the latter be himself the object of any such measure, the receiving State shall notify the sending State through the diplomatic channel.

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Article 43

Immunity from jurisdiction

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

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2. The provisions of paragraph 1 of this Article shall not, however, apply in respect of a civil action either:

- (a) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending State; or
- (b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.

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Article 44

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Liability to give evidence

1. Members of a consular post may be called upon to attend as witnesses in the course of judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this Article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

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2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

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3. Members of a consular post are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

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Article 45

Waiver of privileges and immunities

1. The sending State may waive, with regard to a member of the consular post, any of the privileges and immunities provided for in Articles 41, 43 and 44.

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2. The waiver shall in all cases be express, except as provided in paragraph 3 of this Article, and shall be communicated to the receiving State in writing.

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3. The initiation of proceedings by a consular officer or a consular employee in a matter where he might enjoy immunity from jurisdiction under Article 43 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

Artikel 42

Kennisgewing van inhegtenisname, aanhouding of vervolging

In die geval van die inhegtenisname of aanhouding hangende 'n verhoor van 'n lid van die konsulêre personeel, of van strafregtelike verrigtinge wat teen hom ingestel word, moet die Ontvangerstaat die hoof van die konsulêre pos onverwyld in kennis stel. Indien laasgenoemde self die onderwerp van enige sodanige maatreël is, moet die Ontvangerstaat die Senderstaat langs die diplomatieke kanaal in kennis stel.

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Artikel 43

Immunitet teen jurisdiksie

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1. Konsulêre beampes en konsulêre werknemers is nie onderworpe aan die jurisdiksie van die geregtelike of administratiewe owerhede van die Ontvangerstaat ten opsigte van handelinge wat in die uitvoering van konsulêre funksies verrig is nie.

2. Die bepalings van paragraaf 1 van hierdie Artikel is egter nie van toepassing nie met betrekking tot 'n siviele aksie:

- (a) wat voortspruit uit 'n kontrak wat deur 'n konsulêre beampte of 'n konsulêre werknemer gesluit is en waarin hy nie uitdruklik of stilswyend as agent van die Senderstaat gekontrakteer het nie; of
- (b) deur 'n derde party vir skade wat voortspruit uit 'n ongeluk in die Ontvangerstaat wat deur 'n voertuig, vaartuig of vliegtuig veroorsaak is.

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Artikel 44

Getuiepligtigheid

1. Lede van 'n konsulêre pos kan opgeroep word om as getuies in die loop van geregtelike of administratiewe verrigtinge aanwesig te wees. 'n Konsulêre werknemer of 'n lid van die dienspersoneel mag, behalwe in die gevalle genoem in paragraaf 3 van hierdie Artikel, nie weier om getuenis te lewer nie. Indien 'n konsulêre beampte sou weier om dit te doen, mag geen dwangmaatreël of straf op hom toegepas word nie.

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2. Die owerheid wat die getuenis van 'n konsulêre beampte vereis, moet inmenging met die uitvoering van sy funksies vermy. Die owerheid kan, wanneer moontlik, sodanige getuenis by sy woning of by die konsulêre pos afneem of 'n skriftelike verklaring van hom aanvaar.

3. Lede van 'n konsulêre pos staan onder geen verpligtiging om getuenis betreffende sake wat met die uitvoering van hulle funksies verband hou, te lewer of om amptelike korrespondensie en dokumente wat betrekking daarop het, voor te lê nie. Hulle is ook geregtig om te weier om as deskundige getuies getuenis met betrekking tot die reg van die Senderstaat te lewer.

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Artikel 45

Afstanddoening van voorregte en immunitete

1. Die Senderstaat kan, met betrekking tot 'n lid van die konsulêre pos, afstand doen van enige van die voorregte en immunitete waarvoor in Artikels 41, 43 en 44 voorsiening gemaak word.

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2. Die afstanddoening moet in alle gevalle uitdruklik wees, behalwe soos bepaal in paragraaf 3 van hierdie Artikel, en moet skriftelik aan die Ontvangerstaat oorgedra word.

3. Die instel van verrigtinge deur 'n konsulêre beampte of 'n konsulêre werknemer in 'n saak waar hy immunitet teen jurisdiksie kragtens Artikel 43 mag geniet, verhinder hom om immunitet teen jurisdiksie aan te voer ten opsigte van enige teeneis wat direk verband hou met die hoofeis.

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Act No. 37, 2001

DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

4. The waiver of immunity from jurisdiction for the purposes of civil or administrative proceedings shall not be deemed to imply the waiver of immunity from the measures of execution resulting from the judicial decision; in respect of such measures, a separate waiver shall be necessary.

Article 46

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Exemption from registration of aliens and residence permits

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits. 10

2. The provisions of paragraph 1 of this Article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.

Article 47

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Exemption from work permits

1. Members of the consular post shall, with respect to services rendered for the sending State, be exempt from any obligations in regard to work permits imposed by the laws and regulations of the receiving State concerning the employment of foreign labour. 20

2. Members of the private staff of consular officers and of consular employees shall, if they do not carry on any other gainful occupation in the receiving State, be exempt from the obligations referred to in paragraph 1 of this Article.

Article 48

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Social security exemption

1. Subject to the provisions of paragraph 3 of this Article, members of the consular post with respect to services rendered by them for the sending State, and members of their families forming part of their households, shall be exempt from social security provisions which may be in force in the receiving State. 30

2. The exemption provided for in paragraph 1 of this Article shall apply also to members of the private staff who are in the sole employ of members of the consular post, on condition:

- (a) that they are not nationals of or permanently resident in the receiving State; and
- (b) that they are covered by the social security provisions which are in force in the sending State or a third State.

3. Members of the consular post who employ persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers. 40

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State, provided that such participation is permitted by that State. 45

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

4. Die afstanddoening van immuniteit teen jurisdiksie vir die doeleindes van siviele of administratiewe verrigtinge word nie geag afstanddoening van immuniteit teen die maatreëls van tenuitvoerlegging as gevolg van die geregtelike beslissing te impliseer nie; ten opsigte van sodanige maatreëls is 'n afsonderlike afstanddoening nodig.

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Artikel 46

Vrystelling van registrasie van vreemdelinge en verblyfpermitte

1. Konsulêre beampes en konsulêre werknemers en lede van hulle families wat deel van hulle huishoudings uitmaak, is vrygestel van alle verpligtinge ingevolge die wette en regulasies van die Ontvangerstaat met betrekking tot die registrasie van vreemdelinge en verblyfpermitte.

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2. Die bepalings van paragraaf 1 van hierdie Artikel is egter nie van toepassing nie op enige konsulêre werknemer wat nie 'n permanente werknemer van die Senderstaat is nie of wat enige private beroep vir vergoeding in die Ontvangerstaat beoefen of op enige lid van die familie van enige sodanige werknemer nie.

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Artikel 47

Vrystelling van werkpermitte

1. Lede van die konsulêre pos is, met betrekking tot dienste gelewer vir die Senderstaat, vrygestel van enige verpligtinge met betrekking tot werkpermitte opgelê deur die wette en regulasies van die Ontvangerstaat rakende die indiensneming van buitelandse arbeid.

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2. Lede van die private personeel van konsulêre beampes en van konsulêre werknemers, indien hulle nie enige ander beroep vir vergoeding in die Ontvangerstaat beoefen nie, is vrygestel van die verpligtinge in paragraaf 1 van hierdie Artikel bedoel.

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Artikel 48

Vrystelling betreffende sosiale sekuriteit

1. Behoudens die bepalings van paragraaf 3 van hierdie Artikel is lede van die konsulêre pos met betrekking tot dienste deur hulle aan die Senderstaat gelewer, en lede van hulle families wat deel uitmaak van hulle huishoudings, vrygestel van bepalings betreffende sosiale sekuriteit wat in die Ontvangerstaat van toepassing is.

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2. Die vrystelling waaroor in paragraaf 1 van hierdie Artikel voorsiening gemaak word, is ook van toepassing op lede van die private personeel wat in die uitsluitlike diens van lede van die konsulêre pos staan, op voorwaarde:

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(a) dat hulle nie burgers van of permanent woonagtig in die Ontvangerstaat is nie; en
(b) dat hulle deur die bepalings betreffende sosiale sekuriteit wat in die Senderstaat of 'n derde Staat van toepassing is, gedek word.

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3. Lede van die konsulêre pos wat personele in diens het ten opsigte van wie die vrystelling waaroor in paragraaf 2 van hierdie Artikel voorsiening gemaak word nie van toepassing is nie, moet die verpligtinge wat die bepalings betreffende sosiale sekuriteit van die Ontvangerstaat aan werkgewers ople, nakom.

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4. Die vrystelling waaroor in paragrawe 1 en 2 van hierdie Artikel voorsiening gemaak word, verhinder nie vrywillige deelname aan die sosiale sekuriteit-stelsel van die Ontvangerstaat nie, mits sodanige deelname deur daardie Staat toegelaat word.

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Article 49

Exemption from taxation

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except: 5
 (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
 (b) dues or taxes on private immovable property situated in the territory of the receiving State, subject to the provisions of Article 32;
 (c) estate, succession or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph (b) of Article 51; 10
 (d) dues and taxes on private income, including capital gains, having its source in the receiving State and capital taxes relating to investments made in commercial or financial undertakings in the receiving State; 15
 (e) charges levied for specific services rendered;
 (f) registration, court or record fees, mortgage dues and stamp duties, subject to the provisions of Article 32.
2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive for their services. 20
3. Members of the consular post who employ persons whose wages or salaries are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

Article 50

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Exemption from customs duties and inspection

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on: 30
 (a) articles for the official use of the consular post;
 (b) articles for the personal use of a consular officer or members of his family forming part of his household, including articles intended for his establishment. The articles intended for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned. 35
2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1 of this Article in respect of articles imported at the time of first installation.
3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in sub-paragraph (b) of paragraph 1 of this Article, or articles the import or export of which is prohibited by the laws and regulations of the receiving State or which are subject to its quarantine laws and regulations. Such inspection shall be carried out in the presence of the consular officer or member of his family concerned. 40 45

Artikel 49

Vrystelling van belasting

1. Konsulêre beampes en konsulêre werknemers en lede van hulle families wat deel vorm van hulle huishouding, is vrygestel van alle persoonlike of saaklike, nasionale, streek- of munisipale regte en belastings, uitgesonderd: 5
- (a) indirekte belasting van 'n soort wat normaalweg ingesluit is by die prys van goedere of dienste;
 - (b) regte of belastings op private onroerende eiendom wat in die gebied van die Ontvangerstaat geleë is, behoudens die bepalings van Artikel 10 32;
 - (c) boedel-, erfopvolging- of erfregte en regte op oordragte, wat deur die Ontvangerstaat gehef word, behoudens die bepalings van paragraaf (b) van Artikel 51;
 - (d) regte en belastings op private inkomste, met inbegrip van kapitaal-wins, wat sy oorsprong in die Ontvangerstaat het en kapitaalbelastings met betrekking tot beleggings wat in handels- of finansiële ondernehemings in die Ontvangerstaat gedoen is; 15
 - (e) gelde gehef vir spesiale dienste gelewer;
 - (f) registrasie-, hof- of rekordgelde, verbandregte en seëlregte, behoudens 20 die bepalings van Artikel 32.
2. Lede van die dienspersoneel is vrygestel van regte en belastings op die lone wat hulle vir hulle dienste ontvang.
3. Lede van die konsulêre pos wat persone in diens het wie se lone of salaris nie in die Ontvangerstaat van inkomstebelasting vrygestel is nie, moet die verpligte nakom wat die wette en regulasies van daardie Staat op werkgewers plaas rakende die heffing van inkomstebelasting. 25

Artikel 50

Vrystelling van doeane-regte en inspeksie

1. Die Ontvangerstaat moet, ooreenkomsdig wette en regulasies wat hy aanneem, binnekoms toelaat van en vrystelling verleen van alle doeane-regte, belastings en aanverwante gelde uitgesonderd gelde vir bergings-, vervoer- en soortgelyke dienste, op: 30
- (a) artikels vir die amptelike gebruik van die konsulêre pos;
 - (b) artikels vir die persoonlike gebruik van 'n konsulêre beampte of lede van sy familie wat deel vorm van sy huishouding, met inbegrip van artikels bedoel vir sy vestiging. Die artikels wat vir verbruik bedoel is, oorskry nie die hoeveelhede wat nodig is vir direkte gebruik deur die betrokke persone nie. 35
2. Konsulêre werknemers geniet die voorregte en vrystellings gespesifieer in paragraaf 1 van hierdie Artikel ten opsigte van artikels wat ingevoer word ten tyde van eerste vestiging. 40
3. Persoonlike bagasie wat konsulêre beampes en lede van hulle families wat deel vorm van hul huishoudings vergesel, is vrygestel van inspeksie. Dit mag geïnspekteer word slegs as daar ernstige rede is om te vermoed dat dit ander artikels bevat as dié in subparagraaf (b) van paragraaf 1 van hierdie Artikel bedoel, of artikels waarvan die invoer en uitvoer deur die wette en regulasies van die Ontvangerstaat verbied word of wat onderworpe is aan sy kwarantynwette en -regulasies. Sodanige inspeksie word in die teenwoordigheid van die betrokke konsulêre beampte of lid van sy familie uitgevoer. 45 50

Article 51

Estate of a member of the consular post or of a member of his family

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State:

- (a) shall permit the export of the movable property of the deceased, with the exception of any such property acquired in the receiving State the export of which was prohibited at the time of his death; 5
- (b) shall not levy national, regional or municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which in the receiving State was due solely to the presence 10 in that State of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

Article 52

Exemption from personal services and contributions

The receiving State shall exempt members of the consular post and 15 members of their families forming part of their households from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 53

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Beginning and end of consular privileges and immunities

1. Every member of the consular post shall enjoy the privileges and immunities provided in the present Convention from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when he enters on his duties with 25 the consular post.

2. Members of the family of a member of the consular post forming part of his household and members of his private staff shall receive the privileges and immunities provided in the present Convention from the date from which he enjoys privileges and immunities in accordance with 30 paragraph 1 of this Article or from the date of their entry into the territory of the receiving State or from the date of their becoming a member of such family or private staff, whichever is the latest.

3. When the functions of a member of the consular post have come to an 35 end, his privileges and immunities and those of a member of his family forming part of his household or a member of his private staff shall normally cease at the moment when the person concerned leaves the receiving State or on the expiry of a reasonable period in which to do so, whichever is the sooner, but shall subsist until that time, even in case of armed conflict. In the case of the persons referred to in paragraph 2 of this 40 Article, their privileges and immunities shall come to an end when they cease to belong to the household or to be in the service of a member of the consular post provided, however, that if such persons intend leaving the receiving State within a reasonable period thereafter, their privileges and immunities shall subsist until the time of their departure. 45

4. However, with respect to acts performed by a consular officer or a consular employee in the exercise of his functions, immunity from jurisdiction shall continue to subsist without limitation of time.

5. In the event of the death of a member of the consular post, the 50 members of his family forming part of his household shall continue to enjoy the privileges and immunities accorded to them until they leave the receiving State or until the expiry of a reasonable period enabling them to do so, whichever is the sooner.

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

Artikel 51

Boedel van 'n lid van die konsulêre pos of van 'n lid van sy familie

In die geval van die afsterwe van 'n lid van die konsulêre pos of van 'n lid van sy familie wat deel van sy huishouding vorm, moet die Ontvangerstaat:

- (a) die uitvoer van die roerende eiendom van die oorledene toelaat, uitgesonderd enige sodanige eiendom wat in die Ontvangerstaat verkry is waarvan die uitvoer verbode was ten tyde van sy dood;
- (b) geen nasionale, streek- of munisipale boedel-, erfopvolging- of erfregte, en regte op oordragte, hef op roerende eiendom wat in die Ontvangerstaat teenwoordig was slegs vanweë die teenwoordigheid in daardie Staat van die oorledene as lid van die konsulêre pos of as lid van die familie van 'n lid van die konsulêre pos nie.

Artikel 52

Vrystelling van persoonlike dienste en kontribusies

Die Ontvangerstaat stel lede van die konsulêre pos en lede van hulle families wat deel vorm van hulle huishoudings, vry van alle persoonlike dienste, van alle openbare dienste van enige aard hoegenaamd, en van militêre verpligte soos dié wat verband hou met rekwisisie, militêre kontribusies en inkwartiering.

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Artikel 53

Aanvang en einde van konsulêre voorregte en immuniteit

1. Elke lid van die konsulêre pos geniet die voorregte en immuniteit waarvoor in hierdie Konvensie voorsiening gemaak word, vanaf die oomblik wanneer hy die gebied van die Ontvangerstaat binnegaan op pad om sy pos op te neem, of, as hy reeds in die gebied is, vanaf die oomblik wanneer hy sy pligte in die konsulêre pos opneem.

2. Lede van die familie van 'n lid van die konsulêre pos wat deel van sy huishouding vorm en lede van sy private personeel ontvang die voorregte en immuniteit waarvoor in hierdie Konvensie voorsiening gemaak word, vanaf die datum waarop hy die voorregte en immuniteit ooreenkomsdig paragraaf 1 van hierdie Artikel geniet of vanaf die datum van hulle binnekoms in die gebied van die Ontvangerstaat of vanaf die datum waarop hulle 'n lid van sodanige familie of private personeel word, welke datum ook al die laatste is.

3. Wanneer die funksies van 'n lid van die konsulêre pos tot 'n einde gekom het, eindig sy voorregte en immuniteit en dié van 'n lid van sy familie wat deel van sy huishouding vorm of 'n lid van sy private personeel normaalweg op die oomblik wanneer die betrokke persoon die Ontvangerstaat verlaat of by verstryking van 'n redelike tydperk om dit te doen, wat ook al die gouste is, maar dit duur voort tot op daardie tydstip, selfs in geval van gewapende konflik. In die geval van die personele in paragraaf 2 van hierdie Artikel bedoel, verstryk hulle voorregte en immuniteit wanneer hulle ophou om aan die huishouding te behoort of in diens te wees van 'n lid van die konsulêre pos, met dien verstande egter dat as sodanige personele beoog om die Ontvangerstaat binne 'n redelike tyd daarna te verlaat, hulle voorregte en immuniteit voortduur tot die tyd van hulle vertrek.

4. Met betrekking tot handelinge wat deur 'n konsulêre beampte of 'n konsulêre werknemer in die uitvoering van sy funksies verrig word, duur immuniteit teen jurisdiksie egter sonder tydsbeperking voort.

5. In die geval van die afsterwe van 'n lid van die konsulêre pos geniet die lede van sy familie wat deel van sy huishouding vorm, die voorregte en immuniteit waarop hulle geregtig is, totdat hulle die Ontvangerstaat verlaat of totdat 'n redelike tyd verloop het om dit te doen, wat ook al die gouste is.

Article 54

Obligations of third States

1. If a consular officer passes through or is in the territory of a third State, which has granted him a visa if a visa was necessary, while proceeding to take up or return to his post or when returning to the sending State, the third State shall accord to him all immunities provided for by the other Articles of the present Convention as may be required to ensure his transit or return. The same shall apply in the case of any member of his family forming part of his household enjoying such privileges and immunities who are accompanying the consular officer or traveling separately to join him or to return to the sending State.

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2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the transit through their territory of other members of the consular post or of members of their families forming part of their households.

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3. Third States shall accord to official correspondence and to other official communications in transit, including messages in code or cipher, the same freedom and protection as the receiving State is bound to accord under the present Convention. They shall accord to consular couriers who have been granted a visa, if a visa was necessary, and to consular bags in transit, the same inviolability and protection as the receiving State is bound to accord under the present Convention.

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4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and to consular bags, whose presence in the territory of the third State is due to *force majeure*.

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Article 55

Respect for the laws and regulations of the receiving State

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

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2. The consular premises shall not be used in any manner incompatible with the exercise of consular functions.

3. The provisions of paragraph 2 of this Article shall not exclude the possibility of offices of other institutions or agencies being installed in part of the building in which the consular premises are situated, provided that the premises assigned to them are separate from those used by the consular post. In that event, the said offices shall not, for the purposes of the present Convention, be considered to form part of the consular premises.

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Article 56

Insurance against third party risks

Members of the consular post shall comply with any requirement imposed by the laws and regulations of the receiving State in respect of insurance against third party risks arising from the use of any vehicle, vessel or aircraft.

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Artikel 54

Verpligtinge van derde State

1. Indien 'n konsulêre beamppte deur die gebied reis of in die gebied is van 'n derde Staat, wat aan hom 'n visum uitgereik het indien 'n visum noodsaaklik was, terwyl hy op pad is om sy pos op te neem of om na sy pos terug te keer of wanneer hy terugkeer na die Senderstaat, verleen die derde Staat aan hom alle immuniteite waarvoor in die ander Artikels van hierdie Konvensie voorsiening gemaak word, wat nodig mag wees om sy deurgang of sy terugkeer te verseker. Dieselfde geld in die geval van enige lid van sy familie wat deel van sy huishouding vorm wat sodanige voorregte en immuniteite geniet en wat die konsulêre beamppte vergesel of wat afsonderlik reis om by hom aan te sluit of om na die Senderstaat terug te keer.

2. Onder omstandighede soortgelyk aan dié wat in paragraaf 1 van hierdie Artikel gespesifieer word, verhinder derde State nie die deurgang deur hulle gebied van ander lede van die konsulêre pos of van lede van hulle families wat deel van hulle huishoudings vorm nie.

3. Derde state verleen aan amptelike korrespondensie en aan ander amptelike kommunikasies in transito, met inbegrip van boodskappe in kode of syferkode, dieselfde vryheid en beskerming as wat die Ontvangerstaat gebonde is om kragtens hierdie Konvensie te verleent. Hulle verleen aan konsulêre koeriers aan wie 'n visum verleent is, indien 'n visum noodsaaklik was, en aan konsulêre sakke in transito dieselfde onskendbaarheid en beskerming as wat die Ontvangerstaat gebonde is om kragtens hierdie Konvensie te verleent.

4. Die verpligtinge van derde State kragtens paragrawe 1, 2 en 3 van hierdie Artikel is ook van toepassing op die persone onderskeidelik in daardie paragrawe genoem, en op amptelike kommunikasies en konsulêre sakke, van wie of waarvan die teenwoordigheid in die gebied van derde State die gevolg van *force majeure* is.

Artikel 55

Eerbied vir die wette en regulasies van die Ontvangerstaat

1. Sonder benadeling van hulle voorregte en immuniteite is dit die plig van alle persone wat sodanige voorregte en immuniteite geniet, om die wette en regulasies van die Ontvangerstaat te eerbiedig. Hulle staan ook onder 'n verpligting om hulle nie in die interne aangeleenthede van daardie Staat in te meng nie.

2. Die konsulêre perseel word nie op enige wyse wat onversoenbaar is met die uitvoering van konsulêre funksies, gebruik nie.

3. Die bepalings van paragraaf 2 van hierdie Artikel sluit nie die moontlikheid uit nie dat kantore van ander instellings of agentskappe 40 ingeruim kan word in 'n deel van die gebou waarin die konsulêre perseel geleë is, mits die persele wat aan hulle toegewys word, afsonderlik is van dié wat deur die konsulêre pos gebruik word. In daardie geval word die genoemde kantore by die toepassing van hierdie Konvensie nie geag deel 45 van die konsulêre perseel te wees nie.

Artikel 56

Versekering teen derdepartyrisiko's

Lede van die konsulêre pos moet voldoen aan enige vereiste wat deur die wette en regulasies van die Ontvangerstaat opgelê word ten opsigte van 50 versekering teen derdepartyrisiko's wat voortspruit uit die gebruik van enige voertuig, vaartuig of vliegtuig.

Act No. 37, 2001

DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

Article 57

Special provisions concerning private gainful occupation

1. Career consular officers shall not carry on for personal profit any professional or commercial activity in the receiving State.
2. Privileges and immunities provided in this Chapter shall not be accorded:
 - (a) to consular employees or to members of the service staff who carry on any private gainful occupation in the receiving State;
 - (b) to members of the family of a person referred to in sub-paragraph (a) of this paragraph or to members of his private staff;
 - (c) to members of the family of a member of a consular post who themselves carry on any private gainful occupation in the receiving State.

CHAPTER III

REGIME RELATING TO HONORARY CONSULAR OFFICERS AND CONSULAR POSTS HEADED BY SUCH OFFICERS 15

Article 58

General provisions relating to facilities, privileges and immunities

1. Articles 28, 29, 30, 34, 35, 36, 37, 38 and 39, paragraph 3 of Article 54 and paragraphs 2 and 3 of Article 55 shall apply to consular posts headed by an honorary consular officer. In addition, the facilities, privileges and immunities of such consular posts shall be governed by Articles 59, 60, 61 and 62. 20
2. Articles 42 and 43, paragraph 3 of Article 44, Articles 45 and 53 and paragraph 1 of Article 55 shall apply to honorary consular officers. In addition, the facilities, privileges and immunities of such consular officers shall be governed by Articles 63, 64, 65, 66 and 67. 25
3. Privileges and immunities provided in the present Convention shall not be accorded to members of the family of an honorary consular officer or of a consular employee employed at a consular post headed by an honorary consular officer. 30
4. The exchange of consular bags between two consular posts headed by honorary consular officers in different States shall not be allowed without the consent of the two receiving States concerned.

Article 59

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Protection of the consular premises

The receiving State shall take such steps as may be necessary to protect the consular premises of a consular post headed by an honorary consular officer against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity. 40

Article 60

Exemption from taxation of consular premises

1. Consular premises of a consular post headed by an honorary consular officer of which the sending State is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered. 45
2. The exemption from taxation referred to in paragraph 1 of this Article shall not apply to such dues and taxes if, under the laws and regulations of the receiving State, they are payable by the person who contracted with the sending State. 50

Artikel 57

Spesiale bepalings betreffende private werk vir vergoeding

1. Beroeps- konsulêre beamptes bedryf nie vir persoonlike gewin enige professionele of handelsaktiwiteit in die Ontvangerstaat nie. 5
2. Voorregte en immuniteite waarvoor in hierdie Hoofstuk voorsiening gemaak word, word nie verleen nie:
- (a) aan konsulêre werknemers of aan lede van die dienspersoneel wat enige private beroep vir vergoeding in die Ontvangerstaat beoefen; 10
 - (b) aan lede van die familie van 'n persoon in subparagraaf (a) van hierdie paragraaf bedoel, of aan lede van sy private personeel;
 - (c) aan lede van die familie van 'n lid van 'n konsulêre pos wat self enige private beroep vir vergoeding in die Ontvangerstaat beoefen.

HOOFSTUK III

REËLINGS MET BETREKKING TOT ERE- KONSULÊRE BEAMPTES
EN KONSULÊRE POSTE MET SULKE BEAMPTES AAN DIE HOOF 15

Artikel 58

Algemene bepalings met betrekking tot fasiliteite, voorregte en immuniteite

1. Artikels 28, 29, 30, 34, 35, 36, 37, 38 en 39, paragraaf 3 van Artikel 54 en paragrawe 2 en 3 van Artikel 55 is van toepassing op konsulêre poste met 'n ere- konsulêre beampte aan die hoof. Daarbenewens word die fasiliteite, voorregte en immuniteite van sodanige konsulêre poste deur Artikels 59, 60, 61 en 62 gereël. 20
2. Artikels 42 en 43, paragraaf 3 van Artikel 44, Artikels 45 en 53 en paragraaf 1 van Artikel 55 is op ere- konsulêre beampies van toepassing. Daarbenewens word die fasiliteite, voorregte en immuniteite van sodanige konsulêre beampies deur Artikels 63, 64, 65, 66 en 67 gereël. 25
3. Voorregte en immuniteite waarvoor in hierdie Konvensie voorsiening gemaak word, word nie verleen nie aan lede van die familie van 'n ere- konsulêre beampte of van 'n konsulêre werknemer in diens by 'n konsulêre pos met 'n ere- konsulêre beampte aan die hoof. 30
4. Die uitruil van konsulêre sakke tussen twee konsulêre poste met ere- konsulêre beampies aan die hoof in verskillende State word nie sonder die toestemming van die betrokke twee Ontvangerstate toegelaat nie.

Artikel 59

Beskerming van die konsulêre perseel 35

Die Ontvangerstaat moet sodanige stappe doen as wat nodig is om die konsulêre perseel van 'n konsulêre pos met 'n ere- konsulêre beampte aan die hoof te beskerm teen enige indringing of skade en om enige versturing van die vrede van die konsulêre pos of aantasting van sy waardigheid te voorkom. 40

Artikel 60

Vrystelling van belasting van konsulêre persele

1. Konsulêre persele van 'n konsulêre pos met 'n ere- konsulêre beampte aan die hoof en waarvan die Senderstaat die eienaar of huurder is, is vrygestel van alle nasionale, streek- of munisipale regte en belastings hoegenaamd, uitgesonderd dié wat betaling vir spesifieke dienste gelewer, verteenwoordig. 45
2. Die vrystelling van belasting in paragraaf 1 van hierdie Artikel bedoel, is nie op sodanige regte en belastings van toepassing nie indien dit, kragtens die wette en regulasies van die Ontvangerstaat, betaalbaar is deur die persoon wat met die Senderstaat gekontrakteer het. 50

Act No. 37, 2001

DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

Article 61

Inviolability of consular archives and documents

The consular archives and documents of a consular post headed by an honorary consular officer shall be inviolable at all times and wherever they may be, provided that they are kept separate from other papers and documents and, in particular, from the private correspondence of the head of a consular post and of any person working with him, and from the materials, books or documents relating to their profession or trade.

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Article 62

Exemption from customs duties

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The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of, and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services on the following articles, provided that they are for the official use of a consular post headed by an honorary consular officer:

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coats-of-arms, flags, signboards, seals and stamps, books, official printed matter, office furniture, office equipment and similar articles supplied by or at the instance of the sending State to the consular post.

Article 63

Criminal proceedings

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If criminal proceedings are instituted against an honorary consular officer, he must appear before the competent authorities. Nevertheless, the proceedings shall be conducted with the respect due to him by reason of his official position and, except when he is under arrest or detention, in a manner which will hamper the exercise of consular functions as little as possible. When it has become necessary to detain an honorary consular officer, the proceedings against him shall be instituted with the minimum of delay.

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Article 64

Protection of honorary consular officers

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The receiving State is under a duty to accord to an honorary consular officer such protection as may be required by reason of his official position.

Article 65

Exemption from registration of aliens and residence permits

Honorary consular officers, with the exception of those who carry on for personal profit any professional or commercial activity in the receiving State, shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

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Artikel 61

Onskendbaarheid van konsulêre argiewe en dokumente

Die konsulêre argiewe en dokumente van 'n konsulêre pos met 'n ere-konsulêre beamppte aan die hoof is te alle tye en waar hulle ook al mag wees, onskendbaar, mits hulle apart gehou word van ander stukke en dokumente en, in die besonder, van die private korrespondensie van die hoof van 'n konsulêre pos en van enige persoon wat saam met hom werk, en van die stukke, boeke of dokumente wat betrekking het op hulle professie of beroep.

Artikel 62 10

Vrystelling van doeane regte

Die Ontvangerstaat moet, ooreenkoms wette en regulasies wat hy aanneem, die binnekoms toelaat van, en vrystelling verleen van alle doeane regte, belastings en aanverwante gelde uitgesonderd gelde vir stoor-, vervoer- en soortgelyke dienste op die volgende artikels, met dien verstande dat hulle vir die amptelike gebruik is van die konsulêre pos met 'n ere- konsulêre beamppte aan die hoof:

landswapens, vlae, uithangborde, seëls en stempels, boeke, amptelike drukwerk, kantoor meubels, kantoor toerusting en soortgelyke artikels wat deur of in opdrag van die Senderstaat aan die konsulêre pos verskaf is. 20

Artikel 63

Kriminele verrigtinge

Indien kriminele verrigtinge teen 'n ere- konsulêre beamppte ingestel word, moet hy voor die bevoegde owerhede verskyn. Die verrigtinge moet egter gevoer word met die eerbied wat aan hom verskuldig is uit hoofde van sy amptelike posisie en, behalwe wanneer hy in hechtenis of in aanhouding is, op 'n wyse wat die uitvoering van konsulêre funksies so min moontlik belemmer. Wanneer dit nodig geword het om 'n ere- konsulêre beamppte aan te hou, moet die verrigtinge teen hom met die minimum vertraging ingestel word.

Artikel 64

Beskerming van ere- konsulêre beamptes

Die Ontvangerstaat het 'n plig om aan 'n ere- konsulêre beamppte sodanige beskerming te verleen as wat nodig is uit hoofde van sy amptelike posisie.

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Artikel 65

Vrystelling van registrasie van vreemdelinge en verblyfpermitte

Ere- konsulêre beamptes, uitgesonderd diegene wat enige professionele of handelsaktiwiteit in die Ontvangerstaat vir persoonlike gewin bedryf, is vrygestel van alle verpligtinge ingeval die wette en regulasies van die Ontvangerstaat met betrekking tot die registrasie van vreemdelinge en verblyfpermitte.

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Act No. 37, 2001

DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

Article 66

Exemption from taxation

An honorary consular officer shall be exempt from all dues and taxes on the remuneration and emoluments which he receives from the sending State in respect of the exercise of consular functions.

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Article 67

Exemption from personal services and contributions

The receiving State shall exempt honorary consular officers from all personal services and from all public services of any kind whatsoever and from military obligations such as those connected with requisitioning, 10 military contributions and billeting.

Article 68

Optional character of the institution of honorary consular officers

Each State is free to decide whether it will appoint or receive honorary 15
consular officers.

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CHAPTER IV

GENERAL PROVISIONS

Article 69

Consular agents who are not heads of consular posts

1. Each State is free to decide whether it will establish or admit consular 20
agencies conducted by consular agents not designated as heads of consular post by the sending State.

2. The conditions under which the consular agencies referred to in paragraph 1 of this Article may carry on their activities and the privileges and immunities which may be enjoyed by the consular agents in charge of 25 them shall be determined by agreement between the sending State and the receiving State.

Article 70

Exercise of consular functions by diplomatic missions

1. The provisions of the present Convention apply also, so far as the 30
context permits, to the exercise of consular functions by a diplomatic mission.

2. The names of members of a diplomatic mission assigned to the consular section or otherwise charged with the exercise of the consular functions of the mission shall be notified to the Ministry for Foreign Affairs 35
of the receiving State or to the authority designated by that Ministry.

3. In the exercise of consular functions a diplomatic mission may address:

(a) the local authorities of the consular district;
(b) the central authorities of the receiving State if this is allowed by the 40
laws, regulations and usages of the receiving State or by relevant international agreements.

4. The privileges and immunities of the members of a diplomatic mission referred to in paragraph 2 of this Article shall continue to be governed by the rules of international law concerning diplomatic relations.

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Artikel 66

Vrystelling van belasting

'n Ere- konsulêre beamppte is vrygestel van alle regte en belastings op die besoldiging en emolumente wat hy ten opsigte van die uitvoering van sy konsulêre funksies van die Senderstaat ontvang.

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Artikel 67

Vrystelling van persoonlike dienste en kontribusies

Die Ontvangerstaat stel ere- konsulêre beamptes vry van alle persoonlike dienste en van alle openbare dienste van enige aard hoegenaamd en van militêre verpligte wat dié in verband met rekvisisie, militêre kontribusies en inkwartiering.

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Artikel 68

Opsionele aard van die instelling van ere- konsulêre beamptes

Dit staan elke Staat vry om te besluit of hy ere- konsulêre beamptes sal aanstel of ontvang.

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HOOFSTUK IV

ALGEMENE BEPALINGS

Artikel 69

Konsulêre agente wat nie hoofde van konsulêre poste is nie

1. Dit staan elke Staat vry om te besluit of hy konsulêre agentskappe wat bedryf word deur konsulêre agente wat nie deur die Senderstaat as hoofde van konsulêre poste aangewys is nie, sal instel of toelaat.

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2. Die voorwaardes waarop die konsulêre agentskappe in paragraaf 1 van hierdie Artikel bedoel hulle aktiwiteite kan verrig en die voorregte en immunitate wat deur die konsulêre agente in beheer van sodanige agentskappe geniet kan word, word by ooreenkoms tussen die Senderstaat en die Ontvangerstaat bepaal.

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Artikel 70

Uitvoering van konsulêre funksies deur diplomatieke missies

1. Die bepalings van hierdie Konvensie is ook, vir sover die samehang dit toelaat, op die uitvoering van konsulêre funksies deur 'n diplomatieke missie van toepassing.

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2. Die name van lede van 'n diplomatieke missie toegewys aan die konsulêre afdeling of andersins belas met die uitvoering van die konsulêre funksies van die missie word bekend gemaak aan die Ministerie van Buitelandse Sake van die Ontvangerstaat of aan die owerheid wat deur daardie Ministerie aangewys is.

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3. By die uitvoering van konsulêre funksies kan 'n diplomatieke missie hom wend tot:

- (a) die plaaslike owerhede van die konsulêre distrik;
- (b) die sentrale owerhede van die Ontvangerstaat indien dit toegelaat word deur die wette, regulasies en gebruikte van die Ontvangerstaat of deur toepaslike internasionale ooreenkomste.

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4. Die voorregte en immunitate van die lede van 'n diplomatieke missie in paragraaf 2 van hierdie Artikel bedoel, word steeds deur die reëls van die volkereg betreffende diplomatieke betrekkinge gereël.

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Article 71

Nationals or permanent residents of the receiving State

1. Except in so far as additional facilities, privileges and immunities may be granted by the receiving State, consular officers who are nationals of or permanently resident in the receiving State shall enjoy only immunity from jurisdiction and personal inviolability in respect of official acts performed in the exercise of their functions, and the privilege provided in paragraph 3 of Article 44. So far as these consular officers are concerned, the receiving State shall likewise be bound by the obligation laid down in Article 42. If criminal proceedings are instituted against such a consular officer, the proceedings shall, except when he is under arrest or detention, be conducted in a manner which will hamper the exercise of consular functions as little as possible.

2. Other members of the consular post who are nationals of or permanently resident in the receiving State and members of their families, as well as members of the families of consular officers referred to in paragraph 1 of this Article, shall enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. Those members of the families of members of the consular post and those members of the private staff who are themselves nationals of or permanently resident in the receiving State shall likewise enjoy facilities, privileges and immunities only in so far as these are granted to them by the receiving State. The receiving State shall, however, exercise its jurisdiction over those persons in such a way as not to hinder unduly the performance of the functions of the consular post.

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Article 72

Non-discrimination

1. In the application of the provisions of the present Convention the receiving State shall not discriminate as between States.

2. However, discrimination shall not be regarded as taking place:

- (a) where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its consular posts in the sending State;
- (b) where by custom or agreement States extend to each other more favourable treatment than is required by the provisions of the present Convention.

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Article 73

Relationship between the present convention and other international agreements

1. The provisions of the present Convention shall not affect other international agreements in force as between States parties to them.

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2. Nothing in the present Convention shall preclude States from concluding international agreements confirming or supplementing or extending or amplifying the provisions thereof.

CHAPTER V

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FINAL PROVISIONS

Article 74

Signature

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies or

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Artikel 71

Burgers of permanente inwoners van die Ontvangerstaat

1. Behalwe in soverre die Ontvangerstaat bykomende fasiliteite, voorregte en immuniteit mag toeken, geniet konsulêre beamptes wat burgers is van of permanent woonagtig is in die Ontvangerstaat, immuniteit teen jurisdiksie en persoonlike onskendbaarheid slegs ten opsigte van amptelike handelinge verrig in die uitvoering van hulle funksies, en die voorreg waarvoor in paragraaf 3 van Artikel 44 voorsiening gemaak word. Wat hierdie konsulêre beamptes betref, is die Ontvangerstaat ook gebonde deur die verpligting in Artikel 42 gestel. Indien kriminele verringinge teen so 'n konsulêre beampte ingestel word, word die verringinge, behalwe wanneer hy in hegtenis geneem of in aanhouding is, gevoer op 'n wyse wat die uitvoering van konsulêre funksies so min as moontlik sal belemmer.
2. Ander lede van die konsulêre pos wat burgers is van of permanent woonagtig is in die Ontvangerstaat en lede van hulle families, sowel as lede van die families van konsulêre beamptes in paragraaf 1 van hierdie Artikel bedoel, geniet fasiliteite, voorregte en immuniteit slegs in soverre dit deur die Ontvangerstaat aan hulle toegestaan word. Die lede van die families van lede van die konsulêre pos en die lede van die private personeel wat self burgers is van of woonagtig is in die Ontvangerstaat, geniet eweneens fasiliteite, voorregte en immuniteit slegs in soverre dit deur die Ontvangerstaat aan hulle verleen word. Die Ontvangerstaat moet egter sy jurisdiksie oor daardie persone op so 'n wyse uitoefen dat daar nie oormatig met die uitvoering van die funksies van die konsulêre pos ingemeng word nie.

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Artikel 72

Nie-diskriminasie

1. By die toepassing van die bepalings van hierdie Konvensie mag die Ontvangerstaat nie tussen State diskrimineer nie.
2. Dit word egter nie as diskriminasie beskou nie:
- (a) waar die Ontvangerstaat enige van die bepalings van hierdie Konvensie beperkend toepas as gevolg van 'n beperkende toepassing van daardie bepaling op sy konsulêre poste in die Senderstaat;
 - (b) waar State by gebruik of ooreenkoms aan mekaar gunstiger behandeling verleen as wat by die bepalings van hierdie Konvensie vereis word.

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Artikel 73

Verhouding tussen hierdie Konvensie en ander internasionale ooreenkomste

1. Die bepalings van hierdie Konvensie raak geen ander internasionale ooreenkomste wat van krag is tussen State wat partye daarby is nie.
2. Niks in hierdie Konvensie vervat, verhinder State om internasionale ooreenkomste aan te gaan wat die bepalings daarvan bevestig of aanvul of uitbrei of versterk nie.

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HOOFSTUK V

SLOTBEPALINGS

Artikel 74

Ondertekening

Hierdie Konvensie is oop vir ondertekening deur alle State wat Lede van die Verenigde Nasies is of van enige van die gespesialiseerde agentskappe

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Act No. 37, 2001**DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001**

Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention, as follows: until 31 October 1963 at the Federal Ministry for Foreign Affairs of the Republic of Austria and subsequently, until 31 March 1964, at the United Nations Headquarters in New York.

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Article 75*Ratification*

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

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Article 76*Accession*

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in Article 74. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

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Article 77*Entry into force*

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

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2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

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Article 78*Notifications by the Secretary-General*

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in Article 74:

- (a) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 74, 75 and 76;
- (b) of the date on which the present Convention will enter into force, in accordance with Article 77.

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Article 79*Authentic texts*

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in Article 74.

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IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE at Vienna, this twenty-fourth day of April, one thousand nine hundred and sixty-three.

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of Partye by die Statuut van die Internasionale Gereghof, en deur enige ander Staat wat deur die Algemene Vergadering van die Verenigde Nasies genooi word om 'n Party by die Konvensie te word, soos volg: tot 31 Oktober 1963 by die Bondsministerie vir Buitelandse Sake van die Republiek Oostenryk, en daarna tot 31 Maart 1964 by die Verenigde Nasies se Hoofkwartier in New York.

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Artikel 75

Bekragtiging

Hierdie Konvensie is onderhewig aan bekragtiging. Die bekragtigingsinstrumente word by die Sekretaris-generaal van die Verenigde Nasies 10 ingedien.

Artikel 76

Toetrede

Hierdie Konvensie is oop vir toetrede deur enige Staat wat behoort tot enige van die vier kategorieë in Artikel 74 bedoel. Die toetredingsinstrumente word by die Sekretaris-generaal van die Verenigde Nasies 15 ingedien.

Artikel 77

Inwerkingtreding

1. Hierdie Konvensie tree in werking op die dertigste dag na die datum 20 van indiening van die twee en twintigste bekragtigingsinstrument of toetredingsinstrument by die Sekretaris-generaal van die Verenigde Nasies.

2. Vir elke Staat wat die Konvensie bekragtig of daartoe toetree ná die indiening van die twee en twintigste bekragtigingsinstrument of toetredingsinstrument, tree die Konvensie in werking op die dertigste dag 25 na indiening deur sodanige Staat van sy bekragtigingsinstrument of toetredingsinstrument.

Artikel 78

Kennisgewings deur die Sekretaris-generaal

Die Sekretaris-generaal van die Verenigde Nasies stel alle State wat 30 behoort tot een van die vier kategorieë in Artikel 74 bedoel, in kennis:

- (a) van ondertekenings van hierdie Konvensie en van die indiening van bekragtigingsinstrumente of toetredingsinstrumente, ooreenkomsdig Artikel 74, 75 en 76;
- (b) van die datum waarop hierdie Konvensie in werking sal tree, 35 ooreenkomsdig Artikel 77.

Artikel 79

Outentieke tekste

Die oorspronklike van hierdie Konvensie, waarvan die Chinese, Engelse, Franse, Russiese en Spaanse tekste ewe outentiek is, word by die 40 Sekretaris-generaal van die Verenigde Nasies ingedien, wat gewaarmerkte afskrifte daarvan moet stuur aan alle State wat behoort tot enige van die vier kategorieë in Artikel 74 bedoel.

TEN BEWYSE WAARVAN die ondergetekende Gevolmagtigdes, behoorlik daartoe gemagtig deur hulle onderskeie Regerings, hierdie 45 Konvensie onderteken het.

GEDOEEN te Wenen, op hede die vier en twintigste dag van April een duisend nege honderd drie en sestig.

Schedule 3

**Convention on the Privileges and Immunities of the United Nations,
adopted by the General Assembly of the United Nations on
13 February 1946**

Whereas Article 104 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes and 5

Whereas Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization 10
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Consequently the General Assembly by the Resolution adopted on the 13 February 1946, approved the following Convention and proposed it for accession by each Member of the United Nations.

Article I

JURIDICAL PERSONALITY 20

SECTION 1. The United Nations shall possess juridical personality. It shall have the capacity:

- (a) To contract;
- (b) To acquire and dispose of immovable and movable property;
- (c) To institute legal proceedings.

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Article II

PROPERTY, FUNDS AND ASSETS

SECTION 2. The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution. 30

SECTION 3. The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action. 35

SECTION 4. The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located. 40

SECTION 6. In exercising its rights under Section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member insofar as it is considered that effect can be given to such representations without detriment to the interests of the United Nations. 45

SECTION 7. The United Nations, its assets, income and the property shall be:

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

Bylae 3

Konvensie op die Voorregte en Immunitete van die Verenigde Nasies, op 13 Februarie 1946 deur die Algemene Vergadering van die Verenigde Nasies aangeneem

Nademaal Artikel 104 van die Handves van die Verenigde Nasies bepaal dat die Organisasie in die gebied van elk van sy Lede sodanige regstrengheid geniet as wat nodig is vir die uitvoering van sy funksies en die verwesenliking van sy oogmerke, en 5

Nademaal Artikel 105 van die Handves van die Verenigde Nasies bepaal dat die Organisasie in die gebied van elk van sy Lede voorregte en immunitete geniet as wat nodig is vir die verwesenliking van sy oogmerke en dat verteenwoordigers van die Lede van die Verenigde Nasies en beampies van die Organisasie insgelyks sodanige voorregte en immunitete geniet as wat nodig is vir die onafhanklike uitvoering van hulle funksies in verband met die Organisasie, 10 15

Derhalwe het die Algemene Vergadering by die Resolusie wat op 13 Februarie 1946 aangeneem is, die volgende Konvensie goedgekeur en dit voorgestel vir toetreden deur elke Lid van die Verenigde Nasies.

Artikel I

REGSPERSOONLIKHEID 20

AFDELING 1. Die Verenigde Nasies het regspersoonlikheid. Hy het die volgende bevoegdhede:

- (a) Om te kontrakteer;
- (b) Om roerende en onroerende eiendom te verkry en daaroor te beskik;
- (c) Om regsvirrigtinge in te stel.

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Artikel II

EIENDOM, FONDSE EN BATES

AFDELING 2. Die Verenigde Nasies, sy eiendom en bates, waar ook al geleë en deur wie ook al gehou, geniet immunitet teen elke vorm van regstrenges behalwe in soverre hy in 'n bepaalde geval uitdruklik van sy immunitet afstand gedoen het. Die verstandhouding is egter dat geen afstanddoening van immunitet enige eksekusiemaatreël insluit nie. 30

AFDELING 3. Die personeel van die Verenigde Nasies is onskendbaar. Die eiendom en bates van die Verenigde Nasies, waar ook al geleë en deur wie ook al gehou, is immuun teen deursoeking, opeising, konfiskering, onteiening en enige ander vorm van inmenging, hetsy deur uitvoerende, administratiewe, geregtelike of wetgewende handeling. 35

AFDELING 4. Die argiewe van die Verenigde Nasies, en in die algemeen alle dokumente wat aan hom behoort of deur hom gehou word, is onskendbaar, waar ook al geleë. 40

AFDELING 6. By die uitoefening van sy regte ingevolge Afdeling 5 hierbo skenk die Verenigde Nasies behoorlik oorweging aan enige vertoë deur die Regering van enige Lid in soverre daar geag word dat uitvoering aan sodanige vertoë gegee kan word sonder benadeling van die belangte van die Verenigde Nasies. 45

AFDELING 7. Die Verenigde Nasies, sy bates, inkomste en eiendom is:

- (a) vrygestel van alle regstreekse belastings; die verstandhouding is egter dat die Verenigde Nasies nie aanspraak sal maak nie op vrystelling van

Act No. 37, 2001

DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

- (a) Exempt from all direct taxes, it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country; 5
- (c) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications. 10

SECTION 8. While the United Nations will not, as a general rule, claim exemptions from excise duties and from taxes on the sale of the movable and immovable property which form part of the price to be paid, nevertheless when the United Nations is making import purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax. 15

Article III

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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 to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations. 25

SECTION 10. The United Nations shall have the right to use codes and to dispatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags. 30

Article IV

THE REPRESENTATIVES OF MEMBERS

SECTION 11. 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 and immunities: 35

- (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; 40
- (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; 45
- (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; 50
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

- belasting wat in effek niks anders as heffings vir openbare utiliteitsdienste is nie;
- (b) vrygestel van doeanebegte en verbiedinge en beperkings op invoere en uitvoere ten opsigte van artikels wat vir amptelike gebruik deur die Verenigde Nasies ingevoer of uitgevoer word. Die verstandhouding is egter dat artikels wat onder sodanige vrystelling ingevoer word, nie verkoop sal word nie in die land waarin dit ingevoer is, behalwe op voorwaardes waaraan daar met die Regering van daardie land ooreengekom is;
- (c) vrygestel van doeanebegte en verbiedinge en beperkings op invoere en uitvoere ten opsigte van sy publikasies.

AFDELING 8. Hoewel die Verenigde Nasies as 'n algemene reël nie sal aanspraak maak nie op vrystelling van aksynsregte en van belastings op die verkoop van die roerende en onroerende eiendom wat deel uitmaak van die prys wat betaal moet word, wanneer die Verenigde Nasies invoeraankope doen vir amptelike gebruik van eiendom waarop sodanige regte en belastings betaal is of betaalbaar is, sal Lede waar moontlik gepaste administratiewe reëlings tref vir die terugbetaling of teruggawe van die bedrag van regte of belasting.

Artikel III 20

FASILITEITE TEN OPSIGTE VAN KOMMUNIKASIE

AFDELING 9. Die Verenigde Nasies geniet in die gebied van elke Lid vir sy amptelike kommunikasie behandeling wat nie minder gunstig is nie as dié wat deur die Regering van daardie Lid verleen word aan enige ander Regering, insluitende sy diplomatieke missie, ten opsigte van prioriteite, tariewe en belastings op pos, kabels, telegramme, radiogramme, telefoto's, telefoon- en ander kommunikasie; en perskoerse vir inligting aan die pers en radio. Geen sensuur word op die amptelike korrespondensie en ander amptelike kommunikasie van die Verenigde Nasies toegepas nie.

AFDELING 10. Die Verenigde Nasies het die reg om kodes te gebruik en om sy korrespondensie per koerier of in sakke te versend en te ontvang, wat dieselfde immuniteit en voorregte as diplomatieke koeriers en sakke geniet.

Artikel IV 30

DIE VERTEENWOORDIGERS VAN LEDE 35

AFDELING 11. Verteenwoordigers van Lede by die hoof- en ondergeskikte organe van die Verenigde Nasies en by konferensies wat deur die Verenigde Nasies belê word, terwyl hulle hulle funksies uitoefen en gedurende die reis na en van die plek van die byeenkoms, geniet die volgende voorregte en immuniteit:

- (a) Immuniteit teen persoonlike inhegtenisname of aanhouding en teen beslaglegging op hulle persoonlike bagasie, en, ten opsigte van geskrewe of gesproke woorde en alle handelinge deur hulle gedoen in hulle hoedanigheid as verteenwoordigers, immuniteit teen regsprosesse van enige aard;
- (b) Onskendbaarheid van alle stukke en dokumente;
- (c) Die reg om kodes te gebruik en om stukke of korrespondensie per koerier of in verseêerde sakke te ontvang;
- (d) Vrystelling ten opsigte van hulself en hulle gades van immigrasiebeperkings, vreemdelingeregistrasie of nasionale diensverpligtinge in die staat wat hulle besoek of waardeur hulle reis in die uitvoering van hulle funksies;
- (e) Dieselfde faciliteite ten opsigte van valuta- of wisselkoersbeperkings as wat aan verteenwoordigers van buitelandse regerings vir tydelike amptelike missies toegestaan word;

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- (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.

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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.

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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.

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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.

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SECTION 15. The provisions of Sections 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.

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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

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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.

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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;

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WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

- (f) Dieselfde immuniteit en faciliteit ten opsigte van hulle persoonlike bagasie as wat aan diplomatieke gesante verleen word, en ook
 (g) Sodanige ander voorregte, immuniteit en faciliteit wat nie strydig met die voorgaande is nie as wat diplomatieke gesante geniet, behalwe dat hulle geen reg het om aanspraak te maak op vrystelling van doeanebegte op goedere wat ingevoer word (uitgesonderd as deel van hulle persoonlike bagasie) of van aksynsregte of verkoopbelastings nie.
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AFDELING 12. Ten einde vir die verteenwoordigers van Lede by die hoof- en onderskikte organe van die Verenigde Nasies en by konferensies wat deur die Verenigde Nasies belê word, algehele vryheid van spraak en onafhanklikheid by die verrigting van hulle pligte te verseker, word die immuniteit teen regssprosesse ten opsigte van gesproke en geskrewe woorde en alle handelinge wat deur hulle gedoen is in die verrigting van hulle pligte, steeds verleen, al is die betrokke persone nie meer die verteenwoordigers van Lede nie.

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AFDELING 13. Waar die trefwydte van enige vorm van belasting afhang van verblyf, word tydperke waartydens die verteenwoordigers van Lede by die hoof- en onderskikte organe van die Verenigde Nasies en by konferensies wat deur die Verenigde Nasies belê is, in 'n staat teenwoordig is vir die verrigting van hulle pligte, nie as tydperke van verblyf beskou nie.

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AFDELING 14. Voorregte en immuniteit word aan die verteenwoordigers van Lede verleen nie vir die persoonlike voordeel van die individue self nie, maar ten einde die onafhanklike uitvoering van hulle funksies in verband met die Verenigde Nasies te verseker. Gevolglik het 'n Lid nie alleen die reg nie maar ook die plig om van die immuniteit van sy verteenwoordiger afstand te doen in enige geval waar na die mening van die Lid die immuniteit die loop van die gereg sal belemmer en waar daarvan afstand gedoen kan word sonder benadeling van die doel waarvoor die immuniteit verleen word.

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AFDELING 15. Die bepalings van Afdelings 11, 12 en 13 is nie van toepassing nie tussen 'n verteenwoordiger en die owerhede van die staat waarvan hy 'n burger is of waarvan hy die verteenwoordiger is of was.

AFDELING 16. In hierdie artikel word die uitdrukking 'verteenvwoerdigers' geag alle afgevaardigdes, adjunkafgevaardigdes, adviseurs, tegniese deskundiges en sekretarisse van afvaardigings in te sluit.

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Artikel V**BEAMPTES**

AFDELING 17. Die Sekretaris-generaal bepaal die kategorieë beampes op wie die bepalings van hierdie Artikel en Artikel VII van toepassing is. Hy moet hierdie kategorieë aan die Algemene Vergadering voorlê. Daarna moet hierdie kategorieë aan die Regerings van alle Lede bekendgemaak word. Die name van die beampes wat by hierdie kategorieë ingesluit is, moet van tyd tot tyd aan die Regerings van Lede bekend gemaak word.

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AFDELING 18. Beampes van die Verenigde Nasies:

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- (a) Is immuun teen regssprosesse ten opsigte van geskrewe of gesproke woorde en alle handelinge deur hulle in hulle ampelike hoedanigheid verrig;
 - (b) Is vrygestel van belasting op die salaris en emolumente wat deur die Verenigde Nasies aan hulle betaal word;
 - (c) Is immuun teen nasionale diensverpligtinge;
 - (d) Is immuun, saam met hulle gades en bloedverwante wat van hulle afhanklik is, teen immigrasiebeperkings en vreemdelingeregistrasie;
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- (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 of question.

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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. 10

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SECTION 20. Privileges and immunities are granted to officials 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. 15

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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. 20

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Article VI

EXPERTS ON MISSIONS FOR THE UNITED NATIONS

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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: 30

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- (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 on missions for the United Nations; 35
- (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.

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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. 50

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WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

- (e) Word dieselfde voorregte verleen ten opsigte van wisselgeriewe as wat verleen word aan die beampes van vergelykbare range wat deel uitmaak van diplomatieke missies by die betrokke Regering;
- (f) Word in tye van internasionale krisis, saam met hulle gades en bloedverwante wat van hulle afhanklik is, dieselfde repatriasie-fasiliteite as diplomatieke gesante verleen;
- (g) Het die reg om hulle meubels en besittings belastingvry in te voer wanneer hulle vir die eerste keer hulle pos in die betrokke land opneem.

AFDELING 19. Benewens die immuniteit en voorregte in Afdeling 18 bedoel, word die voorregte en immuniteit, vrystellings en fasilitate wat aan diplomatieke gesante verleen word, aan die Sekretaris-generaal en alle Assistant-sekretaris-generaal verleen ten opsigte van hulleself, hulle gades en minderjarige kinders, ooreenkomsdig die volkereg. 10

AFDELING 20. Voorregte en immuniteit word aan beampes verleen in belang van die Verenigde Nasies en nie vir die persoonlike voordeel van die individue self nie. Die Sekretaris-generaal het die reg en die plig om van die immuniteit afstand te doen. 15

AFDELING 21. Die Verenigde Nasies werk te alle tye saam met die gepaste owerhede van Lede om behoorlike regsglegging te vergemaklik, die nakoming van polisieregulasies te verseker en te voorkom dat enige misbruik in verband met die voorregte, immuniteit en fasilitate in hierdie Artikel bedoel, plaasvind. 20

Artikel VI

DESKUNDIGES OP MISSIES VIR DIE VERENIGDE NASIES 25

AFDELING 22. Aan deskundiges (uitgesonderd beampes wat binne die bestek van Artikel V val) wat missies vir die Verenigde Nasies verrig, moet sodanige voorregte en immuniteit verleen word as wat nodig is vir die onafhanklike uitvoering van hulle funksies tydens die tydperk van hulle missies, insluitende die tyd bestee aan reise in verband met hulle missies. In die besonder moet aan hulle verleen word: 30

- (a) Immuniteit teen persoonlike inhegtenisname of aanhouding en teen beslaglegging op hulle persoonlike bagasie;
- (b) Ten opsigte van geskrewe of gesproke woorde en handelinge deur hulle verrig in die loop van die verrigting van hulle missie, immuniteit teen regsgesprosesse van enige aard. Hierdie immuniteit teen regsgesprosesse word steeds verleent al is die betrokke persoon nie meer in diens op missies vir die Verenigde Nasies nie; 35
- (c) Onskendbaarheid van alle stukke en dokumente;
- (d) Vir doeleindes van hulle kommunikasie met die Verenigde Nasies, die reg om kodes te gebruik en om stukke of korrespondensie per koerier of in verseêlde sakke te ontvang; 40
- (e) Dieselfde fasilitate ten opsigte van valuta- of wisselkoersbeperkings as wat aan verteenwoordigers van buitelandse regerings op tydelike amptelike missies verleen word;
- (f) Dieselfde immuniteit en fasilitate ten opsigte van hulle persoonlike bagasie as wat aan diplomatieke gesante verleen word. 45

AFDELING 23. Voorregte en immuniteit word aan deskundiges verleent in belang van die Verenigde Nasies en nie vir die persoonlike voordeel van die individue self nie. Die Sekretaris-generaal het die reg en die plig om van die immuniteit van enige deskundiges afstand te doen in enige geval waar die immuniteit na sy mening die loop van die reg sal belemmer en waar daarvan afstand gedoen kan word sonder benadeling van die belangte van die Verenigde Nasies. 50

Act No. 37, 2001

DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

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 recognized and accepted as valid travel documents by the authorities of Members, taking into account the provisions of Section 25. 5

SECTION 25. Applications for visas (where required) from the holders of United Nations *laissez-passer*, when accompanied by a certificate that they are traveling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for 10 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 traveling on the business of the United Nations. 15

SECTION 27. The Secretary-General, Assistant Secretaries-General and Directors traveling on United Nations *laissez-passer* on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys. 20

SECTION 28. The provisions of this article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

Article VIII

SETTLEMENT OF DISPUTES 25

SECTION 29. The United Nations shall make provisions for appropriate modes of settlement of:

- (a) Disputes arising out of contracts or other disputes of a private law character to which the United Nations is a party;
- (b) Disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General. 30

Final Article

SECTION 31. This convention is submitted to every Member of the United Nations for accession. 35

SECTION 32. Accession shall be affected by deposit of an instrument with the Secretary-General of the United Nations and the convention shall come into force as regards each Member on the date of deposit of each instrument of accession.

SECTION 33. The Secretary-General shall inform all Members of the United Nations of the deposit of each accession. 40

SECTION 34. It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention.

SECTION 35. This convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the United Nations, or until a revised general convention has been approved by the 45

Artikel VII

VERENIGDE NASIES *LAISSEZ-PASSER*

AFDELING 24. Die Verenigde Nasies kan Verenigde Nasies *laissez-passer* aan sy beamptes uitreik. Hierdie *laissez-passer* word deur die owerhede van die Lede as geldige reisdokumente erken en aanvaar, met inagneming van die bepalings van Afdeling 25.

AFDELING 25. Aansoeke om visums (waar nodig) van die houers van die Verenigde Nasies *laissez-passer*, wanneer dit vergesel gaan van 'n sertifikaat dat hulle op die besigheid van die Verenigde Nasies reis, moet so vinnig moontlik afgehandel word. Voorts moet fasiliteite vir spoedige reis aan sulke persone beskikbaar gestel word.

AFDELING 26. Soortgelyke fasiliteite as dié in Afdeling 25 bepaal, moet verleen word aan deskundiges en ander persone wat, hoewel hulle nie houers van die Verenigde Nasies *laissez-passer* is nie, 'n sertifikaat het dat hulle op die besigheid van die Verenigde Nasies reis.

AFDELING 27. Aan die Sekretaris-generaal, Assistent-sekretaris-generaal en Direkteure wat op Verenigde Nasies *laissez-passer* reis op die besigheid van die Verenigde Nasies, moet dieselfde fasiliteite verleen word as wat aan diplomatieke gesante verleen word.

AFDELING 28. Die bepalings van hierdie artikel kan op die vergelykbare beamptes van gespesialiseerde agentskappe toegepas word indien die ooreenkomste vir verhoudinge ingevolge Artikel 63 van die Handves so bepaal.

Artikel VIII

BESLEGTING VAN GESKILLE

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AFDELING 29. Die Verenigde Nasies maak voorsiening vir gepaste maniere vir die beslegting van:

- (a) Geskille wat voortspruit uit kontrakte of ander geskille van 'n privaatregaar waarby die Verenigde Nasies 'n party is;
- (b) Geskille waarby enige beampte van die Verenigde Nasies betrokke is wat uit hoofde van sy amptelike posisie immuniteit geniet, indien die Sekretaris-generaal nie van die immuniteit afstand gedoen het nie.

Slotartikel

AFDELING 31. Hierdie Konvensie word aan elke Lid van die Verenigde Nasies voorgelê vir toetrede.

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AFDELING 32. Toetrede geskied deur die indiening van 'n instrument by die Sekretaris-generaal van die Verenigde Nasies, en vir elke Lid tree die Konvensie in werking op die datum van indiening van elke toetredingsinstrument.

AFDELING 33. Die Sekretaris-generaal stel alle Lede van die Verenigde Nasies in kennis van die indiening van elke toetredingsinstrument.

AFDELING 34. Daar word aanvaar dat, wanneer 'n toetredingsinstrument namens enige Lid ingedien word, die Lid kragtens sy eie reg in 'n posisie sal wees om aan die bepalings van hierdie Konvensie uitvoering te gee.

AFDELING 35. Hierdie Konvensie bly van krag tussen die Verenigde Nasies en elke Lid wat 'n toetredingsinstrument ingedien het vir so lank as wat daardie Lid 'n Lid van die Verenigde Nasies bly, of totdat 'n hersiene

Act No. 37, 2001**DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001**

General Assembly and that Member has become a party to this revised convention.

SECTION 36. The Secretary-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Assembly.

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

algemene konvensie deur die Algemene Vergadering goedgekeur is en daardie Lid 'n party by hierdie hersiene konvensie geword het.

AFDELING 36. Die Sekretaris-generaal kan met enige Lid of Lede aanvullende ooreenkomste aangaan om die bepalings van hierdie Konvensie aan te pas wat daardie Lid of Lede betref. Hierdie aanvullende ooreenkomste is in elke geval onderworpe aan die goedkeuring van die Algemene Vergadering. 5

Schedule 4**Convention on the Privileges and Immunities of the
Specialized Agencies, 1947**

Whereas the General Assembly of the United Nations adopted on 13 February 1946 a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various specialized agencies; and

Whereas consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialized agencies;

Consequently, by the resolution 179 (II) adopted on 21 November 1947, the General Assembly has approved the following Convention, which is submitted to the specialized agencies for acceptance and to every Member of the United Nations and to every other State member of one or more of the specialized agencies for accession.

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Article I**DEFINITIONS AND SCOPE****Section 1**

In this Convention:

- (i) The words 'standard clauses' refer to the provisions of articles II to IX. 20
- (ii) The words 'specialized agencies' mean:
 - (a) The International Labour Organization;
 - (b) The Food and Agriculture Organization of the United Nations;
 - (c) The United Nations Educational, Scientific and Cultural Organization;
 - (d) The International Civil Aviation Organization;
 - (e) The International Monetary Fund;
 - (f) The International Bank for Reconstruction and Development;
 - (g) The World Health Organization;
 - (h) The Universal Postal Union;
 - (i) The International Telecommunications Union; and
 - (j) Any other agency in relationship with the United Nations in accordance with Articles 57 and 63 of the Charter.
- (iii) The word 'Convention' means, in relation to any particular specialized agency, the standard clauses as modified by the final (or revised) text of the annex transmitted by that agency in accordance with sections 36 and 38. 35
- (iv) For the purposes of article III, the words 'property and assets' shall also include property and funds administered by a specialized agency in furtherance of its constitutional functions. 40
- (v) For the purposes of articles V and VII, the expression 'representatives of members' shall be deemed to include all representatives, alternates, advisers, technical experts and secretaries of delegations.
- (vi) In sections 13, 14, 15 and 25, the expression 'meetings convened by a specialized agency' means meeting: (1) of its assembly and of its executive body (however designated), and (2) of any commission provided for it in its constitution; (3) of any international conference convened by it; and (4) of any committee of any of these bodies. 45
- (vii) The term 'executive head' means the principal executive official of the specialized agency in question, whether designated 'Director-General' or otherwise. 50

Bylae 4**Konvensie op die Voorregte en Immuniteite van die Gespesialiseerde Agentskappe, 1947**

Nademaal die Algemene Vergadering van die Verenigde Nasies op 13 Februarie 1946 'n resolusie aangeneem het wat gemik is op die unifikasie so ver moontlik van die voorregte en immuniteite wat deur die Verenigde Nasies en deur die verskillende gespesialiseerde agentskappe geniet word; en

Nademaal oorlegpleging rakende die implementering van voormalde resolusie tussen die Verenigde Nasies en die gespesialiseerde agentskappe plaasgevind het; 10

Derhalwe het die Algemene Vergadering, by resolusie 179 (II) wat op 21 November 1947 aangeneem is, die volgende Konvensie goedgekeur, wat voorgelê word aan die gespesialiseerde agentskappe vir aanvaarding en aan elke Lid van die Verenigde Nasies en aan elke ander Staat wat 'n lid is van een of meer van die gespesialiseerde agentskappe, vir toetreden. 15

Artikel I**WOORDOMSKRYWING EN BESTEK****Afdeling 1**

- In hierdie Konvensie: 20
- (i) Het die woorde 'standaardklousules' betrekking op die bepalings van Artikels II tot IX;
 - (ii) Beteken die woorde 'gespesialiseerde agentskappe':
 - (a) Die Internasionale Arbeidsorganisasie;
 - (b) Die Voedsel- en Landbou-organisasie van die Verenigde Nasies; 25
 - (c) Die Verenigde Nasies se Opvoedkundige, Wetenskaplike en Kulturele Organisasie;
 - (d) Die Internasionale Burgerlugvaartorganisasie;
 - (e) Die Internasionale Monetêre Fonds;
 - (f) Die Internasionale Bank vir Heropbou en Ontwikkeling; 30
 - (g) Die Wêreldgeondheidsorganisasie;
 - (h) Die Universele Posunie;
 - (i) Die Internasionale Telekommunikasie-unie; en
 - (j) Enige ander agentskap wat in 'n verhouding met die Verenigde Nasies staan ooreenkomsdig Artikels 57 en 63 van die Handves. 35
 - (iii) Beteken die woord 'Konvensie', met betrekking tot enige bepaalde gespesialiseerde agentskap, die standaardklousules soos gewysig by die finale (of hersiene) teks van die aanhangsel wat deur daardie agentskap versend is ooreenkomsdig Afdelings 36 en 38.
 - (iv) Sluit die woorde 'eiendom en bates', vir doeleinades van Artikel III, 40 ook in eiendom en fondse wat deur 'n gespesialiseerde agentskap gadministreer word ter bevordering van sy grondwetlike funksies.
 - (v) Word die uitdrukking 'verteenwoordigers van lede', vir doeleinades van Artikels V en VII, geag alle verteenwoordigers, plaasvervangers, adviseurs, tegniese deskundiges en sekretarisse van afvaardigings in te 45 sluit.
 - (vi) Beteken die uitdrukking 'vergaderings belê deur 'n gespesialiseerde agentskap' in Afdelings 13, 14, 15 en 25 'n vergadering: (1) van sy vergadering en van sy uitvoerende liggam (ongeag die benaming daarvan), (2) van enige kommissie waarvoor sy grondwet voorsiening maak; (3) van enige internasionale konferensie deur hom belê; en (4) van enige komitee van enige van hierdie liggame. 50
 - (vii) Beteken die term 'uitvoerende hoof' die hoof- uitvoerende beampete van die betrokke gespesialiseerde agentskap, hetsy 'Direkteur-generaal' of iets anders genoem. 55

Section 2

Each State party to this Convention in respect of any specialized agency to which this Convention has become applicable in accordance with section 37 shall accord to, or in connection with, that agency the privileges and immunities set forth in the standard clauses on the conditions specified therein, subject to any modification of those clauses contained in the provisions of the final (or revised) annex relating to that agency and transmitted in accordance with sections 36 or 38.

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Article II

JURIDICAL PERSONALITY

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Section 3

The specialized agencies shall possess juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property; (c) to institute legal proceedings.

Article III

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PROPERTY, FUNDS AND ASSETS

Section 4

The specialized agencies, their property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

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Section 5

The premises of the specialized agencies shall be inviolable. The property and assets of the specialized agencies, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

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Section 6

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The archives of the specialized agencies, and in general all documents belonging to them or held by them shall be inviolable, wherever located.

Section 8

Each specialized agency shall, in exercising its rights under section 7 above, pay due regard to any representations made by the Government of any State party to this Convention in so far as it is considered that effect can be given to such representations without detriment to the interests of the agency.

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Section 9

The specialized agencies, their assets, income and other property shall be:

- (a) Exempt from all direct taxes; it is understood, however, that the specialized agencies will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the

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Afdeling 2

Elke Staat wat 'n party by hierdie Konvensie is ten opsigte van enige gespesialiseerde agentskap waarop hierdie Konvensie van toepassing geword het ooreenkomstig Afdeling 37, moet aan of in verband met daardie agentskap die voorregte en immuniteit in die standaardklousules uiteengesit verleen op die voorwaardes daarin vermeld, behoudens enige wysiging van daardie klousules vervat in die bepalings van die finale (of hersiene) aanhangsel rakende daardie agentskap en versend ooreenkomstig Afdeling 36 of 38.

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Artikel II

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REGSPERSOONLIKHEID

Afdeling 3

Die gespesialiseerde agentskappe het regspersoonlikheid. Hulle het die bevoegdheid (a) om te kontrakteer, (b) om roerende en onroerende eiendom te verkry en daaroor te beskik; en (c) om regsverrigtinge in te stel.

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Artikel III

EIENDOM, FONDSE EN BATES

Afdeling 4

Die gespesialiseerde agentskappe, hulle eiendom en bates, waar ook al geleë en deur wie ook al gehou, geniet immuniteit teen elke vorm van regsproses behalwe in soverre hulle in 'n bepaalde geval uitdruklik van hulle immuniteit afstand gedoen het. Die verstandhouding is egter dat geen afstanddoening van immuniteit enige eksekusiemaatreël insluit nie.

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Afdeling 5

Die persele van die gespesialiseerde agentskappe is onskendbaar. Die eiendom en bates van die gespesialiseerde agentskappe, waar ook al geleë en deur wie ook al gehou, is immuuun teen deursoeking, opeising, konfiskering, onteiening en enige ander vorm van inmenging, hetsy deur uitvoerende, administratiewe, geregtelike of wetgewende handeling.

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Afdeling 6

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Die argiewe van die gespesialiseerde agentskappe, en in die algemeen alle dokumente wat aan hulle behoort of deur hulle gehou word, is onskendbaar, waar ook al geleë.

Afdeling 8

By die uitoefening van sy regte ingevolge Afdeling 7 hierbo skenk elke gespesialiseerde agentskap behoorlik oorweging aan enige vertoë deur die Regering van enige Staat wat 'n party by hierdie Konvensie is in soverre daar geag word dat aan sodanige vertoë uitvoering gegee kan word sonder benadeling van die belang van die agentskap.

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Afdeling 9

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Die gespesialiseerde agentskappe, hulle bates, inkomste en eiendom is:

- (a) vrygestel van alle regstreekse belastings; die verstandhouding is egter dat die gespesialiseerde agentskappe nie aanspraak sal maak op vrystelling van belasting wat in effek niks anders as heffings vir openbare utiliteitsdienste is nie;
- (b) vrygestel van doeaneregte en verbiedinge en beperkings op invoere en uitvoere ten opsigte van artikels wat deur die gespesialiseerde

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specialized agencies for their official use; it is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed to with the Government of that country;

- (c) Exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications. 5

Section 10

While the specialized agencies will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the specialized agencies are making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Convention will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax. 10 15

Article IV

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 11

Each specialized agency shall enjoy, in the territory of each State party to this Convention in respect of that agency, for its official communications, treatment not less favourable than that accorded by the Government of such State to any other Government, including the latter's 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 to the press and radio. 20 25

Section 12

No censorship shall be applied to the official correspondence and other official communications of the specialized agencies. 30
The specialized agencies shall have the right to use codes and to dispatch and receive correspondence by courier in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.
Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Convention and a specialized agency. 35

Article V

REPRESENTATIVES OF MEMBERS

Section 13

Representatives of members at meetings convened by a specialized agency shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities: 40

- (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 official capacity, immunity from legal process of every kind; 45
(b) Inviolability for all papers and documents;

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

- agentskappe ingevoer of uitgevoer word vir hulle amptelike gebruik.
Die verstandhouding is egter dat artikels wat onder sodanige vrystelling ingevoer word, nie verkoop sal word nie in die land waarin dit ingevoer is, behalwe op voorwaardes waарoor daar met die Regering van daardie land ooreengekom is;
- (c) vrygestel van doeane regte en verbiedinge en beperkings op invoere en uitvoere ten opsigte van hulle publikasies.

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Afdeling 10

Hoewel die gespesialiseerde agentskappe as 'n algemene reël nie sal aanspraak maak nie op vrystelling van aksynsregte en van belastings op die verkoop van roerende en onroerende eiendom wat deel uitmaak van die prys wat betaal moet word, wanneer die gespesialiseerde agentskappe belangrike aankope doen vir amptelike gebruik van eiendom waarop sodanige regte en belastings betaal is of betaalbaar is, sal State wat partye by hierdie Konvensie is, waar moontlik gepaste administratiewe reëlings tref vir die terugbetaling of terugbesorging van die bedrag van regte of belasting.

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Artikel IV

FASILITEITE TEN OPSIGTE VAN KOMMUNIKASIE

Afdeling 11 20

Elke gespesialiseerde agentskap geniet in die gebied van elke Staat wat 'n party by hierdie Konvensie is ten opsigte van daardie agentskap, vir sy amptelike kommunikasie behandeling wat nie minder gunstig is nie as dié wat deur die Regering van daardie Staat verleen word aan enige ander Regering, insluitende laasgenoemde se diplomatieke missie, ten opsigte van prioriteite, tariewe en belastings op pos, kabels, telegramme, radiogramme, telefoto's, telefoon- en ander kommunikasie; en perskoerse vir inligting aan die pers en radio.

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Afdeling 12

Geen sensuur word op die amptelike korrespondensie en ander amptelike kommunikasie van die gespesialiseerde agentskappe toegepas nie.

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Die gespesialiseerde agentskappe het die reg om kodes te gebruik en om hulle korrespondensie per koerier of in sakke te versend en te ontvang, wat dieselfde immuniteit en voorregte as diplomatieke koeriers en sakke geniet.

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Niks in hiedie afdeling vervat word so uitgelê dat dit die aanneem van gepaste sekuriteitsmaatreëls, wat by ooreenkoms tussen 'n Staat wat 'n party by hierdie Konvensie is en 'n gespesialiseerde agentskap bepaal word, belet nie.

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Artikel V 40

VERTEENWOORDIGERS VAN LEDE

Afdeling 13

Verteenwoordigers van lede by vergaderings wat deur 'n gespesialiseerde agentskap belê is, terwyl hulle hulle funksies uitvoer en gedurende die reis na en van die plek van die byeenkoms, geniet die volgende voorregte en immuniteit:

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- (a) Immuniteit teen persoonlike inhegtenisname of aanhouding en teen beslaglegging op hulle persoonlike bagasie, en ten opsigte van geskrewe of gesproke woorde en alle handelinge deur hulle gedoen in hulle hoedanigheid as verteenwoordigers, immuniteit teen regssprosesse van enige aard;
- (b) Onskendbaarheid van alle stukke en dokumente;

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Act No. 37, 2001

DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

- (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 which they are visiting or through which they are passing in the exercise of their functions; 5
- (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 10 baggage as are accorded to members of comparable rank of diplomatic missions.

Section 14

In order to secure for the representatives of members of the specialized agencies at meetings convened by them complete freedom of speech and complete 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 engaged in the discharge 15 of such duties. 20

Section 15

Where the incidence of any form of taxation depends upon residence, periods during which the representatives of members of the specialized agencies at meetings convened by them are present in a member State for the discharge of their duties shall not be considered as periods of residence. 25

Section 16

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 specialized agencies. Consequently, a member not only has the right but is 30 under a duty to waive the immunity of its representatives in any case where, in the opinion of the member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

Section 17

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The provisions of sections, 13, 14 and 15 are not applicable in relations to the authorities of a State of which the person is a national or of which he is or has been a representative.

Article VI

OFFICIALS

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Section 18

Each specialized agency will specify the categories of officials to which the provisions of this article and of article VIII shall apply. It shall communicate them to the Governments of all States parties to this Convention in respect of that agency and to the Secretary-General of the United Nations. The names of the officials included in these categories shall 45 from time to time be made known to the above- mentioned Governments.

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

- (c) Die reg om kodes te gebruik en dokumente of korrespondensie per koerier of in verseêlde sakke te ontvang;
- (d) Vrystelling ten opsigte van hulself en hulle gades van immigrasiebeperkings, vreemdelingeregistrasie of nasionale diensverpligtinge in die Staat wat hulle besoek of waardeur hulle reis in die uitvoering van hulle funksies;
- (e) Dieselfde faciliteit ten opsigte van valuta- of wisselkoersbeperkings as wat aan verteenwoordigers van buitelandse regerings vir tydelike amptelike missies toegestaan word;
- (f) Dieselfde immuniteit en faciliteit ten opsigte van hulle persoonlike bagasie as wat aan lede van vergelykbare rang van diplomatieke missies toegestaan word.

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Afdeling 14

Ten einde vir die verteenwoordigers van Lede van die gespesialiseerde agentskappe by vergaderings wat deur hulle belê word, algehele vryheid van spraak en algehele onafhanklikheid by die verrigting van hulle pligte te verseker, word die immuniteit teen regssprosesse ten opsigte van gesproke en geskrewe woorde en alle handelinge wat deur hulle gedoen is in die verrigting van hulle pligte steeds verleen, al is die betrokke persone nie meer by die verrigting van sulke pligte betrokke nie.

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Afdeling 15

Waar die trefwydte van enige vorm van belasting afhang van verblyf, word tydperke waartydens die verteenwoordigers van lede van die gespesialiseerde agentskappe by vergaderings wat deur hulle belê is, in 'n Lidstaat teenwoordig is vir die verrigting van hulle pligte, nie as tydperke van verblyf beskou nie.

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Afdeling 16

Voorregte en immuniteit word aan die verteenwoordigers van lede verleen, nie vir die persoonlike voordeel van die individue self nie maar ten einde die onafhanklike uitvoering van hulle funksies in verband met die gespesialiseerde agentskappe te verseker. Gevolglik het 'n lid nie alleen die reg nie maar ook die plig om van die immuniteit van sy verteenwoordigers afstand te doen in enige geval waar na die mening van die lid die immuniteit die loop van die gereg sal belemmer en waar daarvan afstand gedoen kan word sonder benadeling van die doel waarvoor die immuniteit verleen word.

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Afdeling 17

Die bepalings van Afdelings 13, 14 en 15 is nie van toepassing nie met betrekking tot die owerhede van 'n Staat waarvan die persoon 'n burger is of waarvan hy 'n verteenwoordiger is of was.

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Artikel VI

BEAMPTES

Afdeling 18

Elke gespesialiseerde agentskap bepaal die kategorie beamptes op wie die bepalings van hierdie Artikel en Artikel VIII van toepassing is. Hy moet hierdie kategorie aan die Regerings van alle State wat partye by hierdie Konvensie is, bekend maak ten opsigte van daardie agentskap, en aan die Sekretaris-generaal van die Verenigde Nasies. Die name van die beamptes wat by hierdie kategorie ingesluit is, moet van tyd tot tyd aan bogemelde Regerings bekend gemaak word.

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Act No. 37, 2001

DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

Section 19

Officials of the specialized agencies 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) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agencies and on the same conditions as are enjoyed by the officials of the United Nations;
- (c) Be immune, together with their spouses and relatives dependent on them from immigration restrictions and alien registration;
- (d) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;
- (e) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as officials of comparable rank of diplomatic missions;
- (f) 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.

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Section 20

The officials of the specialized agencies shall be exempt from national service obligations, provided that, in relation to the States of which they are nationals, such exemptions shall be confined to officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the executive head of the specialized agency and approved by the State concerned.

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Should other officials of specialized agencies be called up for national service, the State concerned shall, at the request of the specialized agency concerned, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

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Section 21

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In addition to the immunities and privileges specified in section 19 and 20, the executive head of each specialized agency, including any official acting on his behalf during his absence from duty, shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

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Section 22

Privileges and immunities are granted to officials in the interests of the specialized agencies only and not for the personal benefit of the individuals themselves. Each specialized agency shall have the right and the duty to waive the immunity of any officials in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialized agency.

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Section 23

Each specialized agency shall co-operate at all times with the appropriate authorities of member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities mentioned in this article.

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Afdeling 19

Beamptes van die gespesialiseerde agentskappe:

- (a) Is immuun teen regssprosesse ten opsigte van geskrewe of gesproke woorde en alle handelinge deur hulle in hulle amptelike hoedanigheid verrig; 5
- (b) Geniet dieselfde vrystellings van belasting ten opsigte van die salaris en emolumente wat deur die gespesialiseerde agentskappe aan hulle betaal word en op dieselfde voorwaardes as wat deur beamptes van die Verenigde Nasies geniet word;
- (c) Is immuun, saam met hulle gades en bloedverwante wat van hulle afhanklik is, teen immigrasiebeperkings en vreemdelingeregistrasie; 10
- (d) Word dieselfde voorregte verleen ten opsigte van wisselgeriewe as wat aan beamptes van vergelykbare rang van diplomatieke missies verleen word;
- (e) Word, saam met hulle gades en bloedverwante wat van hulle afhanklik is, dieselfde repatriasiefasiliteite as beamptes van vergelykbare rang van diplomatieke missies verleen in tye van internasionale krisis; 15
- (f) Het die reg om hulle meubels en besittings belastingvry in te voer wanneer hulle vir die eerste keer hulle pos in die betrokke land opneem. 20

Afdeling 20

Die beamptes van die gespesialiseerde agentskappe is vrygestel van nasionale diensverpligtinge, met dien verstande dat, met betrekking tot die State waarvan hulle burgers is, sodanige vrystelling beperk is tot beamptes van die gespesialiseerde agentskappe wie se name uit hoofde van hulle pligte op 'n lys geplaas is wat deur die uitvoerende hoof van die gespesialiseerde agentskap saamgestel en deur die betrokke Staat goedgekeur is. 25

Indien ander beamptes van gespesialiseerde agentskappe vir nasionale diensplig opgeroep word, moet die betrokke Staat, op versoek van die betrokke gespesialiseerde agentskap, sodanige tydelike uitstel van die oproep van sodanige beamptes verleen as wat nodig is om 'n onderbreking van die voortsetting van noodsaklike werk te vermy. 30

Afdeling 21

Benewens die immuniteit en voorregte in Afdelings 19 en 20 bedoel, word die voorregte en immuniteit, vrystellings en fasiliteite wat aan diplomatieke gesante verleen word, aan die uitvoerende hoof van elke gespesialiseerde agentskap, insluitende enige beampete wat namens hom waarnem tydens sy afwesigheid van diens, ten opsigte van homself, sy gade en minderjarige kinders, verleen ooreenkomsdig die volkereg. 35 40

Afdeling 22

Voorregte en immuniteit word aan beamptes verleen slegs in belang van die gespesialiseerde agentskappe en nie vir die persoonlike voordeel van die individue self nie. Elke gespesialiseerde agentskap het die reg en die plig om van die immuniteit van enige beamptes afstand te doen in enige geval waar die immuniteit na sy mening die loop van die reg sal belemmer en waar daarvan afstand gedoen kan word sonder benadeling van die gespesialiseerde agentskap se belang. 45

Afdeling 23

Elke gespesialiseerde agentskap werk te alle tye saam met die gepaste owerhede van Lidstate om behoorlike regspiegeling te vergemaklik, die nakoming van polisieregulasies te verseker en te voorkom dat enige misbruik in verband met die voorregte, immuniteit en fasiliteite in hierdie Artikel bedoel, plaasvind. 50

Article VII

ABUSES OF PRIVILEGE

Section 24

If any State party to this Convention considers that there has been an abuse of a privilege or immunity conferred by this Convention, consultations shall be held between that State and the specialized agency concerned to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the specialized agency concerned, the question whether an abuse of a privilege or immunity has occurred shall be submitted to the International Court of Justice in accordance with section 32. If the International Court of Justice finds that such an abuse has occurred, the State party to this Convention affected by such abuse shall have the right, after notification to the specialized agency in question, to withhold from the specialized agency concerned the benefits of the privilege or immunity so abused.

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Section 25

1. Representatives of members at meetings convened by specialized agencies, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 18, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by

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them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in that country outside his official functions, he may be required to leave by the Government of that country provided that:

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2. (I) Representatives of members, or persons who are entitled to diplomatic immunity under section 21, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.

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(II) In the case of an official to whom section 21 is not applicable, no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the executive head of the specialized agency concerned; and, if expulsion proceedings are taken against an official, the executive head of the specialized agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

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Article VIII

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LAISSEZ-PASSER

Section 26

Officials of the specialized agencies shall be entitled to use the United Nations *laissez-passer* in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies, to which agencies special powers to issue *laissez-passer* may be delegated. The Secretary-General of the United Nations shall notify each State party to this Convention of each administrative arrangements so concluded.

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Artikel VII

MISBRUIKE VAN VOORREG

Afdeling 24

Indien enige Staat wat 'n party by hierdie Konvensie is, van mening is dat daar 'n misbruik was van 'n voorreg of immuniteit wat by hierdie Konvensie verleen is, word daar tussen daardie Staat en die betrokke gespesialiseerde agentskap oorleg gepleeg om te bepaal of enige sodanige misbruik plaasgevind het en, indien wel, om te probeer om 'n herhaling te voorkom. Indien sodanige oorlegpleging nie daarin slaag om 'n resultaat op te lewer wat vir die betrokke Staat en die betrokke gespesialiseerde agentskap bevredigend is nie, word die vraag of 'n misbruik van 'n voorreg of immuniteit plaasgevind het, ooreenkomsdig Afdeling 32 aan die Internasionale Gereghof voorgelê. Indien die Internasionale Gereghof bevind dat so 'n misbruik plaasgevind het, het die Staat wat 'n party by hierdie Konvensie is en deur sodanige misbruik geraak word, die reg, na kennisgewing aan die betrokke gespesialiseerde agentskap, om die voordele van die voorreg of immuniteit wat aldus misbruik is, van die betrokke gespesialiseerde agentskap te weerhou.

Afdeling 25

1. Verteenwoordigers van lede op vergaderings wat deur gespesialiseerde agentskappe belê is, terwyl hulle hulle funksies verrig en tydens hulle reise na en van die plek van die vergadering, en beampies binne die betekenis van Afdeling 18, mag nie deur die territoriale owerhede gelas word om die land waarin hulle hulle funksies uitvoer, te verlaat nie as gevolg van enige aktiwiteite deur hulle in hulle amptelike hoedanigheid. In die geval van die misbruik van voorregte van verblyf wat deur enige sodanige persoon in aktiwiteite in daardie land buite sy amptelike funksies begaan is, kan hy egter deur die Regering van daardie land gelas word om die land te verlaat, met dien verstande dat:

2. (I) Verteenwoordigers van lede, of persone wat ingevolge Afdeling 21 op diplomatieke immuniteit geregtig is, nie gelas mag word om die land te verlaat nie anders as ooreenkomsdig die diplomatieke prosedure van toepassing op diplomatieke gesante wat in daardie land geakkrediteer is;

(II) In die geval van 'n beampte op wie Afdeling 21 nie van toepassing is nie, geen bevel om die land te verlaat, uitgereik mag word nie anders as met die goedkeuring van die Minister van Buitelandse Sake van die onderhawige land, en sodanige goedkeuring word gegee slegs na oorleg met die uitvoerende hoof van die betrokke gespesialiseerde agentskap; en indien uitsettingsverrigtinge teen 'n beampte ingestel word, het die uitvoerende hoof van die gespesialiseerde agentskap die reg om in sodanige verrigtinge te verskyn ten behoeve van dié persoon teen wie die verrigtinge ingestel word.

Artikel VIII

LAISSEZ-PASSER

Afdeling 26

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Beampies van die gespesialiseerde agentskappe is geregtig om die Verenigde Nasies *laissez-passer* te gebruik ooreenkomsdig administratiewe reëlings wat getref moet word tussen die Sekretaris-generaal van die Verenigde Nasies en die bevoegde owerhede van die gespesialiseerde agentskappe, en spesiale bevoegdhede om *laissez-passer* uit te reik, kan aan sodanige agentskappe gedelegeer word. Die Sekretaris-generaal van die Verenigde Nasies moet elke Staat wat 'n party by hierdie Konvensie is, in kennis stel van elke administratiewe reëling wat aldus getref is.

Section 27

States parties to this Convention shall recognize and accept the United Nations *laissez-passer* issued to officials of the specialized agencies as valid travel documents.

Section 28

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Applications for visas, where required, from officials of specialized agencies holding United Nations *laissez-passer*, when accompanied by a certificate that they are traveling on the business of a specialized agency, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

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Section 29

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Similar facilities to those specified in section 28 shall be accorded to experts and other persons who, though not the holders of United Nations *laissez-passer*, have a certificate that they are traveling on the business of a specialized agency.

Section 30

The executive heads, assistant executive heads, heads of departments and other officials of a rank not lower than head of department of the specialized agencies, travelling on United Nations *laissez-passer* on the business of the specialized agencies, shall be granted the same facilities for travel as are accorded to officials of comparable rank in diplomatic missions.

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Article IX

SETTLEMENT OF DISPUTES

Section 31

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Each specialized agency shall make provision for appropriate modes of settlement of:

- (a) Disputes arising out of contracts or other disputes of private character to which the specialized agency is a party;
- (b) Disputes involving any official of a specialized agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of section 22.

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Article X

ANNEXES AND APPLICATION TO
INDIVIDUAL SPECIALIZED AGENCIES

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Section 33

In their application to each specialized agency, the standard clauses shall operate subject to any modifications set forth in the final (or revised) text of the annex relating to that agency, as provided in sections 36 and 38.

Section 34

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The provisions of the Convention in relation to any specialized agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instrument.

Afdeling 27

State wat partye by hierdie Konvensie is, erken en aanvaar die Verenigde Nasies *laissez-passer* wat aan beampes van die gespesialiseerde agentskappe uitgereik is, as geldige reisdokumente.

Afdeling 28

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Aansoeke om visums, waar nodig, van beampes van gespesialiseerde agentskappe wat houers van Verenigde Nasies *laissez-passer* is, wanneer dit vergesel gaan van 'n sertifikaat dat hulle op die besigheid van 'n gespesialiseerde agentskap reis, moet so vinnig moontlik afgehandel word. Voorts moet fasiliteite vir spoedige reis aan sulke persone beskikbaar gestel 10 word.

Afdeling 29

Soortgelyke fasiliteite as dié in Afdeling 28 bepaal, moet verleen word aan deskundiges en ander persone wat, hoewel hulle nie houers van Verenigde Nasies *laissez-passer* is nie, 'n sertifikaat het dat hulle op die besigheid van 'n gespesialiseerde agentskap reis. 15

Afdeling 30

Aan die uitvoerende hoofde, assistent uitvoerende hoofde, departementshoofde en ander beampes van 'n rang nie laer nie as departementshoof van die gespesialiseerde agentskappe, wat op Verenigde Nasies *laissez-passer* reis op die besigheid van die gespesialiseerde agentskappe, moet dieselfde reisfasiliteite verleen word as wat aan beampes van vergelykbare rang in diplomatieke missies verleen word. 20

Artikel IX

BESLEGTING VAN GESKILLE

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Afdeling 31

Elke gespesialiseerde agentskap moet voorsiening maak vir gepaste maniere vir die beslegting van:

- (a) Geskille voortspruitend uit kontrakte of ander geskille van 'n private aard waarby die gespesialiseerde agentskap 'n party is; 30
- (b) Geskille waarby enige beampte van 'n gespesialiseerde agentskap betrokke is wat uit hoofde van sy amptelike posisie immuniteit geniet, indien daar nie ooreenkomsdig die bepalings van Afdeling 22 van immuniteit afstand is nie.

Artikel X

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AANHANGSELS EN TOEPASSING OP INDIVIDUELE
GESPESIALISEERDE AGENTSKAPPE

Afdeling 33

Die standaardklousules is op elke gespesialiseerde agentskap van toepassing behoudens enige wysigings uiteengesit in die finale (of hersiene) teks van die aanhangsel rakende daardie agentskap, soos in Afdelings 36 en 38 bepaal. 40

Afdeling 34

Die bepalings van die Konvensie met betrekking tot enige gespesialiseerde agentskap moet vertolk word in die lig van die funksies waarmee 45 daardie agentskap belas is deur sy grondwetlike instrument.

Section 35

Draft annexes 1 to 9 are recommended to the specialized agencies named therein. In the case of any specialized agency not mentioned by name in section 1, the Secretary-General of the United Nations shall transmit to the agency a draft annex recommended by the Economic and Social Council.

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Section 36

The final text of each annex shall be that approved by the specialized agency in question in accordance with its constitutional procedure. A copy of the annex as approved by each specialized agency shall be transmitted by the agency in question to the Secretary-General of the United Nations and shall thereupon replace the draft referred to in section 35.

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Section 37

The present Convention becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex, and undertakes to give effect to section 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of section 32 which may be found necessary in order to make the final text of the annex consonant with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency. The Secretary-General shall communicate to all Members of the United Nations and to other States members of the specialized agencies certified copies of all annexes transmitted to him under this section and of revised annexes transmitted under section 38.

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Section 38

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If, after the transmission of a final annex under section 36, any specialized agency approves any amendments thereto in accordance with its constitutional procedure, a revised annex shall be transmitted by it to the Secretary-General of the United Nations.

Section 39

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The provisions of this Convention shall in no way limit or prejudice the privileges and immunities which have been, or may hereafter be, accorded by any State to any specialized agency by reason of the location in the territory of that State of its headquarters or regional offices. This Convention shall not be deemed to prevent the conclusion between any State party thereto and any specialized agency of supplemental agreements adjusting the provision of this Convention or extending or curtailing the privileges and immunities thereby granted.

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Section 40

It is understood that the standard clauses, as modified by the final text of an annex sent by a specialized agency to the Secretary-General of the United Nations under section 36 (or any revised annex sent under section 38), will be consistent with the provisions of the constitutional instrument then in

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Afdeling 35

Konsepaanhangsels 1 tot 9 word aanbeveel by die gespesialiseerde agentskappe daarin genoem. In die geval van enige gespesialiseerde agentskap wat nie by name in Afdeling 1 genoem word nie, moet die Sekretaris-generaal van die Verenigde Nasies 'n konsepaanhangsel wat deur die Ekonomiese en Maatskaplike Raad aanbeveel is, aan die agentskap versend.

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Afdeling 36

Die finale teks van elke aanhangsel is die een wat deur die onderhawige gespesialiseerde agentskap goedgekeur is ooreenkomsdig sy grondwetlike prosedure. 'n Afskrif van die aanhangsel soos deur elke gespesialiseerde agentskap goedgekeur, moet deur die betrokke agentskap aan die Sekretaris-generaal van die Verenigde Nasies versend word en vervang dan die konsep in Afdeling 35 bedoel.

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Afdeling 37

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Hierdie Konvensie word op elke gespesialiseerde agentskap van toepassing wanneer hy die finale teks van die tersaaklike aanhangsel aan die Sekretaris-generaal van die Verenigde Nasies versend het en hom in kennis gestel het dat hy die standaardklousules, soos gewysig deur hierdie aanhangsel, aanvaar en onderneem om uitvoering te gee aan Afdelings 8, 18, 22, 23, 24, 31, 32, 42 en 45 (behoudens enige wysiging van Afdeling 32 wat nodig geag word ten einde die finale teks van die aanhangsel in ooreenstemming te bring met die grondwetlike instrument van die agentskap) en enige bepalings van die aanhangsel wat verpligte op die agentskap plaas. Die Sekretaris-generaal moet aan alle Lede van die Verenigde Nasies en aan ander State wat lede van die gespesialiseerde agentskap is, gewaarmerkte afskrifte van alle aanhangsels stuur wat ingevolge hierdie afdeling aan hom versend is en van hersiene aanhangsels wat ingevolge Afdeling 38 versend is.

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Afdeling 38

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Indien, na die versending van 'n finale aanhangsel ingevolge Afdeling 36, 'n gespesialiseerde agentskap enige wysigings daarvan goedkeur in ooreenstemming met sy grondwetlike prosedure, moet 'n hersiene aanhangsel deur hom aan die Sekretaris-generaal van die Verenigde Nasies versend word.

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Afdeling 39

Die bepalings van hierdie Konvensie beperk geensins die voorregte en immuniteite wat deur enige Staat aan enige gespesialiseerde agentskap verleen is, of hierna verleen word, as gevolg van die ligging van sy hoofkwartier of streekkantore in die gebied van daardie Staat nie. Hierdie Konvensie word nie geag die aangaan tussen enige Staat wat 'n party daarby is en enige gespesialiseerde agentskap van aanvullende ooreenkomste wat die bepalings van hierdie Konvensie aanpas of die voorregte en immuniteite wat daarby verleen word, uitbrei of inkort, te belet nie.

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Afdeling 40

Die verstandhouding is dat die standaardklousules, soos gewysig deur die finale teks van 'n aanhangsel wat 'n gespesialiseerde agentskap ingevolge Afdeling 36 aan die Sekretaris-generaal van die Verenigde Nasies versend het (of enige hersiene aanhangsel wat ingevolge Afdeling 38 versend is), in ooreenstemming sal wees met die bepalings van die dan geldende grondwetlike instrument van die betrokke agentskap, en dat

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Act No. 37, 2001DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

force of the agency in question, and that if any amendment to that instrument is necessary for the purpose of making the constitutional instrument so consistent, such amendment will have been brought into force in accordance with the constitutional procedure of that agency before the final (or revised) annex is transmitted.

The Convention shall not itself operate so as to abrogate, or derogate from, any provisions of the constitutional instrument of any specialized agency or any rights or obligations which the agency may otherwise have, acquire, or assume.

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Article XI

FINAL PROVISIONS

Section 41

Accession to this Convention by a Member of the United Nations and (subject to section 42) by any State member of a specialized agency shall be effected by deposit with the Secretary-General of the United Nations of an instrument of accession which shall take effect on the date of its deposit.

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Section 42

Each specialized agency concerned shall communicate the text of this Convention together with the relevant annexes to those of its members which are not Members of the United Nations and shall invite them to accede thereto in respect of that agency by depositing an instrument of accession to this Convention in respect thereof either with the Secretary-General of the United Nations or with the executive head of the specialized agency.

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Section 43

Each State party to this Convention shall indicate in its instrument of accession the specialized agency or agencies in respect of which it undertakes to apply the provisions of this Convention. Each State party to this Convention may by a subsequent written notification to the Secretary-General of the United Nations undertake to apply the provisions of this Convention to one or more further specialized agencies. This notification shall take effect on the date of its receipt by the Secretary-General.

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Section 44

This Convention shall enter into force for each State party to this Convention in respect of a specialized agency when it has become applicable to that agency in accordance with section 37 and the State party has undertaken to apply the provisions of the Convention to that agency in accordance with section 43.

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Section 45

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The Secretary-General of the United Nations shall inform all Members of the United Nations, as well as all members of the specialized agencies, and executive heads of the specialized agencies, of the deposit of each instrument of accession received under section 41 and of subsequent notifications received under section 43. The executive head of a specialized agency shall inform the Secretary-General of United Nations and the

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WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

indien enige wysiging van daardie instrument nodig is ten einde die grondwetlike instrument aldus in ooreenstemming te bring, sodanige wysiging in werking gestel sal word in ooreenstemming met die grondwetlike prosedure van daardie agentskap voordat die finale (of hersiene) aanhangsel versend word.

Die Konvensie self herroep nie, en doen nie afbreuk aan, enige bepalings van die grondwetlike instrument van enige gespesialiseerde agentskap of enige regte of verpligte wat die agentskap andersins het, verkry of aanvaar nie.

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Artikel XI

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SLOTBEPALINGS

Afdeling 41

Toetrede tot hierdie Konvensie deur 'n Lid van die Verenigde Nasies en (behoudens Afdeling 42) deur enige Staat wat 'n lid van 'n gespesialiseerde agentskap is, geskied deur die indiening by die Sekretaris-generaal van die Verenigde Nasies van 'n toetredingsinstrument, wat op die datum van indiening daarvan van krag word.

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Afdeling 42

Elke betrokke gespesialiseerde agentskap stuur die teks van hierdie Konvensie tesame met die toepaslike aanhangsels aan diegene van sy lede wat nie Lede van die Verenigde Nasies is nie en nooi hulle uit om ten opsigte van daardie agentskap daartoe toe te tree deur 'n toetredingsinstrument tot hierdie Konvensie ten opsigte daarvan in te dien by die Sekretaris-generaal van die Verenigde Nasies of by die uitvoerende hoof van die gespesialiseerde agentskap.

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Afdeling 43

Elke Staat wat 'n party by hierdie Konvensie is, moet in sy toetredingsinstrument die gespesialiseerde agentskap of agentskappe aandui ten opsigte waarvan hy onderneem om die bepalings van hierdie Konvensie toe te pas. Elke Staat wat 'n party by hierdie Konvensie is, kan by 'n latere skriftelike kennisgewing aan die Sekretaris-generaal van die Verenigde Nasies onderneem om die bepalings van hierdie Konvensie op een of meer verdere gespesialiseerde agentskappe toe te pas. Hierdie kennisgewing tree in werking op die datum van ontvangs daarvan deur die Sekretaris-generaal.

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Afdeling 44

Hierdie Konvensie tree vir elke Staat wat 'n party by hierdie Konvensie is, ten opsigte van 'n gespesialiseerde agentskap in werking wanneer dit in ooreenstemming met Afdeling 37 op daardie agentskap van toepassing geword het en die Staat wat 'n party is, onderneem het om die bepalings van hierdie Konvensie op daardie agentskap toe te pas in ooreenstemming met Afdeling 43.

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Afdeling 45

Die Sekretaris-generaal van die Verenigde Nasies moet alle Lede van die Verenigde Nasies, asook alle lede van die gespesialiseerde agentskappe, en uitvoerende hoofde van die gespesialiseerde agentskappe, in kennis stel van die indiening van elke toetredingsinstrument wat ingevolge Afdeling 41 ontvang is en van latere kennisgewings wat ingevolge Afdeling 43 ontvang is. Die uitvoerende hoof van 'n gespesialiseerde agentskap moet die Sekretaris-generaal van die Verenigde Nasies en die lede van die betrokke

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Act No. 37, 2001**DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001**

members of the agency concerned of the deposit of any instrument of accession deposited with him under section 42.

Section 46

It is understood that, when an instrument of accession or a subsequent notification is deposited on behalf of any State, this State will be in a position under its own law to give effect to the terms of this Convention, as modified by the final texts of any annexes relating to the agencies covered by such accessions or notifications.

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Section 47

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1. Subject to the provisions of paragraphs 2 and 3 of this section, each State party to this Convention undertakes to apply this Convention in respect of each specialized agency covered by its accession or subsequent notification, until such time as a revised convention or annex shall have become applicable to that agency and the said State shall have accepted the revised convention or annex. In the case of a revised annex, the acceptance of States shall be by a notification addressed to the Secretary-General of the United Nations, which shall take effect on the date of its receipt by the Secretary-General.

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2. Each State party to this Convention, however, which is not, or has ceased to be, a member of a specialized agency, may address a written notification to the Secretary-General of the United Nations and the executive head of the agency concerned to the effect that it intends to withhold from that agency the benefits of this Convention as from a specified date, which shall not be earlier than three months from the date of receipt of the notification.

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3. Each State party to this Convention may withhold the benefit of this Convention from any specialized agency which ceases to be in relationship with the United Nations.

4. The Secretary-General of the United Nations shall inform all members States parties to this Convention of any notification transmitted to him under the provisions of this section.

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Section 48

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At the request of one-third of the States parties to this Convention, the Secretary-General of the United Nations will convene a conference with a view to its revision.

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Section 49

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The Secretary-General of the United Nations shall transmit copies of this Convention to each specialized agency and to the Government of each Member of the United Nations.

ANNEXES**ANNEX I****INTERNATIONAL LABOUR ORGANIZATION**

In their application to the International Labour Organization the standard clauses shall operate subject to the following provisions:

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- Article V (other than paragraph (c) of section 13) and section 25, paragraphs 1 and 2 (a), of Article VII shall extend to the employers' and workers' members and deputy members of the Governing Body of the International Labour Office and their substitutes; except that any

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

agentskap in kennis stel van die indiening van enige toetredingsinstrument wat ingevolge Afdeling 42 by hom ingedien is.

Afdeling 46

Die verstandhouding is dat, wanneer 'n toetredingsinstrument of 'n latere kennisgewing namens enige Staat ingedien word, hierdie Staat in 'n posisie sal wees om ingevolge sy eie reg uitvoering te gee aan die bepalings van hierdie Konvensie, soos gewysig deur die finale tekste van enige aanhangsels rakende die agentskappe wat deur sodanige toetreding of kennisgewings gedek word.

Afdeling 47

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1. Behoudens die bepalings van paragrawe 2 en 3 van hierdie Afdeling onderneem elke Staat wat 'n party by hierdie Konvensie is, om hierdie Konvensie toe te pas ten opsigte van elke gespesialiseerde agentskap wat deur sy toetreding of latere kennisgewing gedek word, tot tyd en wyl 'n hersiene konvensie of aanhangsel op daardie agentskap van toepassing geword het en gemelde Staat die hersiene konvensie of aanhangsel aanvaar het. In die geval van 'n hersiene aanhangsel moet die aanvaarding van State geskied deur 'n kennisgewing gerig aan die Sekretaris-generaal van die Verenigde Nasies, wat van krag word op die datum van ontvangs daarvan deur die Sekretaris-generaal.

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2. Elke Staat wat 'n party by hierdie Konvensie is, wat nie 'n lid van 'n gespesialiseerde agentskap is nie of opgehou het om dit te wees, kan egter 'n skriftelike kennisgewing aan die Sekretaris-generaal van die Verenigde Nasies en die uitvoerende hoof van die betrokke agentskap rig ten effekte dat hy voornemens is om die voordele van hierdie Konvensie te weerhou van daardie agentskap met ingang van 'n vermelde datum, wat nie vroeër as drie maande na die datum van ontvangs van die kennisgewing mag wees nie.

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3. Elke Staat wat 'n party by hierdie Konvensie is, kan die voordele van hierdie Konvensie weerhou van enige gespesialiseerde agentskap wat ophou om in 'n verhouding met die Verenigde Nasies te staan.

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4. Die Sekretaris-generaal van die Verenigde Nasies moet alle Lidstate wat partye by hierdie Konvensie is, in kennis stel van enige kennisgewing wat ingevolge die bepalings van hierdie Afdeling aan hom versend is.

Afdeling 48

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Op versoek van een derde van die State wat partye by hierdie Konvensie is, moet die Sekretaris-generaal van die Verenigde Nasies 'n konferensie belê met die oog op die hersiening daarvan.

Afdeling 49

Die Sekretaris-generaal van die Verenigde Nasies moet eksemplare van hierdie Konvensie versend aan elke gespesialiseerde agentskap en aan die Regering van elke Lid van die Verenigde Nasies.

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AANHANGSELS

AANHANGSEL I

INTERNASIONALE ARBEIDSORGANISASIE

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Die standaardklousules is op die Internasionale Arbeidsorganisasie van toepassing behoudens die volgende bepalings:

- Artikel V (uitgesondert paragraaf (c) van Afdeling 13 en Afdeling 25, paragrawe 1 en 2(a), van Artikel VII is van toepassing op die werkgewers en die werkers se lede en adjunklede van die Beheerliggaam van die Internasionale Arbeidskantoor en hulle plaasvervangers; behalwe dat enige afstanddoening van die

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Act No. 37, 2001**DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001**

- waiver of the immunity of each such person member under section 16 shall be by the Governing Body.
2. The privileges, immunities, exemptions and facilities referred to in Section 21 of the standard clauses shall also be accorded to any Deputy Director-General of the International Labour Office and any Assistant Director-General of the International Labour Office. 5
 3. (i) Experts (other than officials coming within the scope of article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions: 10
 - (a) Immunity from personal arrest or seizure of their personal baggage; 15
 - (b) In respect of words spoken or written or acts done by them in the performance of their official functions, immunity of legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization; 20
 - (c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions; 25
 - (d) Inviolability of their papers and documents relating to the work on which they are engaged for the Organization. - (ii) In connection with (d) of 3 (i) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable. 30
 - (iii) Privileges and immunities are granted to the experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization. 35

ANNEX II**THE FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS**

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In their application to the Food and Agriculture Organization of the United Nations (hereinafter called 'the Organization') the standard clauses shall operate subject to the following provisions:

1. Article V and section 25, paragraphs 1 and 2 (1) of Article VII shall extend to the Chairman of the Council of the Organization and to the representatives of Associate Members, except that any waiver of the immunity of the Chairman under section 16 shall be by the Council of the Organization. 45
2. (i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions: 50

 - (a) Immunity from personal arrest or seizure of their personal baggage; 55
 - (b) In respect of words spoken or written or acts done by them in performance of their official functions, immunity of legal process of every kind such immunity to continue notwithstanding that the persons concerned are no longer 60

- immunititeit van elke sodanige persoonlid ingevolge Afdeling 16 deur die Beheerliggaam geskied.
2. Die voorregte, immunitete, vrystellings en fasilitete in Afdeling 21 van die standaardklousules bedoel, word ook verleen aan enige Adjunk-direkteur-generaal van die Internasionale Arbeidskantoor en enige Assistent-direkteur-generaal van die Internasionale Arbeidskantoor.
 3. (i) Aan deskundiges (uitgesonderd beampies wat binne die bestek van Artikel VI val) wat in komitees dien van, of missies verrig vir, die Organisasie, word die volgende voorregte en immunitete verleen in soverre dit nodig is vir die doeltreffende uitvoering van hulle funksies, insluitende die tyd bestee aan reise in verband met diens in sodanige komitees of missies:
 - (a) Immunititeit teen persoonlike inhegtenisname of beslaglegging op hulle persoonlike bagasie;
 - (b) Ten opsigte van gesproke of geskrewe woorde of handelinge deur hulle verrig in die uitvoering van hulle amptelike funksies, immunititeit teen regssprosesse van enige aard, en sodanige immunititeit duur voort al dien die betrokke persone nie meer in komitees van, of al is hulle nie meer betrokke by missies vir, die Organisasie nie;
 - (c) Dieselfde fasilitete ten opsigte van valuta- en wisselkoersbeperkings en ten opsigte van hulle persoonlike bagasie as wat aan beampies van buitelandse regerings op tydelike amptelike missies verleen word;
 - (d) Onskendbaarheid van hulle stukke en dokumente rakende die werk waarby hulle betrokke is vir die Organisasie.
 - (ii) In verband met (d) van 3(i) hierbo is die beginsel vervat in die laaste sin van Afdeling 12 van die standaardklousules van toepassing.
 - (iii) Voorregte en immunitete word aan die deskundiges van die Organisasie verleen in belang van die Organisasie en nie vir die persoonlike voordeel van die individue self nie. Die Organisasie het die reg en die plig om van die immunititeit van enige deskundiges afstand te doen in enige geval waar die immunititeit na sy mening die loop van die reg sal belemmer en waar daarvan afstand gedoen kan word sonder benadeling van die Organisasie se belang.

AANHANGSEL II

DIE VOEDSEL- EN LANDBOU-ORGANISASIE 40
VAN DIE VERENIGDE NASIES

Die standaardklousules is op die Voedsel- en Landbou-organisasie van die Verenigde Nasies (hierna 'die Organisasie' genoem) van toepassing behoudens die volgende bepalings:

1. Artikel V en Afdeling 25, paragrawe 1 en 2(1), van Artikel VII is van toepassing op die Voorsitter van die Raad van die Organisasie en op die verteenwoordigers van Assosiaatlede; behalwe dat enige afstanddoening van die immunititeit van die Voorsitter ingevolge Afdeling 16 deur die Raad van die Organisasie geskied.
2. (i) Aan deskundiges (uitgesonderd beampies wat binne die bestek van Artikel VI val) wat in komitees dien van, of missies verrig vir, die Organisasie, word die volgende voorregte en immunitete verleen in soverre dit nodig is vir die doeltreffende uitvoering van hulle funksies, insluitende die tyd bestee aan reise in verband met diens in sodanige komitees of missies:
 - (a) Immunititeit teen persoonlike inhegtenisname of beslaglegging op hulle persoonlike bagasie;
 - (b) Ten opsigte van gesproke of geskrewe woorde of handelinge deur hulle verrig in die uitvoering van hulle amptelike funksies, immunititeit teen regssprosesse van

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- serving on committees of, or employed on missions for, the Organization;
- (c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions;
- (d) Inviolability of their papers and documents relating to the work on which they are engaged for the Organization and, for the purpose of their communications with the Organization, the right to use codes and to receive papers or correspondence by courier or in sealed bags.
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- (ii) In connection with (d) of 2(i) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.
- (iii) Privileges and immunities are granted to the experts in the interest of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any experts in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interest of the Organization.
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ANNEX III

INTERNATIONAL CIVIL AVIATION ORGANIZATION

The standard clauses shall operate in respect to the International Civil Aviation Organization (hereinafter called 'the Organization') subject to the following provisions:

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1. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to the President of the Council of the Organization.
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2. (i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions:
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- (a) Immunity from personal arrest or seizure of their personal baggage;
- (b) Immunity from legal process from every kind in respect of words spoken or written or acts done by them in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization.
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- (c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions;
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- (d) Inviolability of their papers and documents relating to the work on which they are engaged for the Organization.
- 50
- (ii) In connection with (d) of 2(i) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.
- (iii) Privileges and immunities are granted to the experts of the Organization in the interest of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any
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WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

- enige aard, en sodanige immuniteit duur voort al dien die betrokke persone nie meer in komitees van, of al is hulle nie meer betrokke by missies vir, die Organisasie nie;
- (c) Dieselfde faciliteit ten opsigte van valuta- en wisselkoersbeperkings en ten opsigte van hulle persoonlike bagasie as wat aan beampes van buitelandse regerings op tydelike amptelike missies verleen word; 5
- (d) Onskendbaarheid van hulle stukke en dokumente rakende die werk waarby hulle betrokke is vir die Organisasie, en, vir doeleindes van hulle kommunikasie met die Organisasie, die reg om kodes te gebruik en om stukke of korrespondensie per koerier of in verseêlde sakke te ontvang; 10
- (ii) In verband met (d) van 2(i) hierbo is die beginsel vervat in die laaste sin van Afdeling 12 van die standaardklousules van toepassing. 15
- (iii) Voorregte en immuniteit word aan die deskundiges van die Organisasie verleen in belang van die Organisasie en nie vir die persoonlike voordeel van die individue self nie. Die Organisasie het die reg en die plig om van die immuniteit van enige deskundiges afstand te doen in enige geval waar die immuniteit na sy mening die loop van die reg sal belemmer en waar daarvan afstand gedoen kan word sonder benadeling van die Organisasie se belang. 20

AANHANGSEL III

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INTERNASIONALE BURGERLUGVAARTORGANISASIE

Die standaardklousules is ten opsigte van die Internasionale Burgerlugvaartorganisasie (hierna ‘die Organisasie’ genoem) van toepassing behoudens die volgende bepalings:

1. Die voorregte, immuniteit, vrystellings en faciliteit in Afdeling 21 van die standaardklousules bedoel, word ook aan die President van die Raad van die Organisasie verleen. 30
2. (i) Aan deskundiges (uitgesonderd beampes wat binne die bestek van Artikel VI val) wat in komitees dien van, of missies verrig vir, die Organisasie, word die volgende voorregte en immuniteit verleen in sover dit nodig is vir die doeltreffende uitvoering van hulle funksies, insluitende die tyd bestee aan reise in verband met diens in sodanige komitees of missies:
 - (a) Immuniteit teen persoonlike inhegtenisname of beslaglegging op hulle persoonlike bagasie; 40
 - (b) Immuniteit teen regsprosesse van enige aard ten opsigte van gesproke of geskrewe woorde of handelinge deur hulle verrig in die uitvoering van hulle amptelike funksies, en sodanige immuniteit duur voort al dien die betrokke persone nie meer in komitees van, of al is hulle nie meer betrokke by missies vir, die Organisasie nie; 45
 - (c) Dieselfde faciliteit ten opsigte van valuta- en wisselkoersbeperkings en ten opsigte van hulle persoonlike bagasie as wat aan beampes van buitelandse regerings op tydelike amptelike missies verleen word; 50
 - (d) Onskendbaarheid van hulle stukke en dokumente rakende die werk waarby hulle betrokke is vir die Organisasie.
- (ii) In verband met (d) van 2(i) hierbo is die beginsel vervat in die laaste sin van Afdeling 12 van die standaardklousules van toepassing. 55
- (iii) Voorregte en immuniteit word aan die deskundiges van die Organisasie verleen in belang van die Organisasie en nie vir die persoonlike voordeel van die individue self nie. Die Organisasie het die reg en die plig om van die immuniteit van enige deskundiges afstand te doen in enige geval waar die immuniteit 60

experts in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interest of the Organization.

ANNEX IV

UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION

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The standard clauses shall operate in respect to the United Nations Educational Scientific and Cultural Organization (hereinafter called 'the Organization') subject to the following provisions:

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1. Article V and section 25, paragraphs 1 and 2 (I) or article VII shall extend to the President of the Conference and members of the Executive Board of the Organization, their substitutes and advisers except that any waiver of the immunity of any such persons of the Executive Board under section 16, shall be by the Executive Board. 15
2. The Deputy Director-General of the Organization, his spouse and minor children shall also enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law, which article VI, section 21, of the convention ensures to the executive head of each specialized agency. 20
3. (i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions: 25
 - (a) Immunity from personal arrest or seizure of their personal baggage;
 - (b) In respect of words spoken or written or acts done by them in performance of their official functions, immunity of legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization; 30
 - (c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions. 35
- (ii) Privileges and immunities are granted to the experts of the Organization in the interest of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any experts in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interest of the Organization. 40

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ANNEX V

INTERNATIONAL MONETARY FUND

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In its application to the International Monetary Fund (hereinafter called 'the Fund'), the convention (including this annex) shall operate subject to the following provisions:

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1. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Fund solely from this convention and are not included in those which it can claim under its Articles or Agreement or otherwise.

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

na sy mening die loop van die reg sal belemmer en waar daarvan afstand gedoen kan word sonder benadeling van die Organisasie se belang.

AANHANGSEL IV

VERENIGDE NASIES SE OPVOEDKUNDIGE,
WETENSKAPLIKE EN KULTURELE ORGANISASIE

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Die standaardklousules is ten opsigte van die Verenigde Nasies se Opvoedkundige, Wetenskaplike en Kulturele Organisasie (hierna 'die Organisasie' genoem) van toepassing behoudens die volgende bepalings:

1. Artikel V en Afdeling 25, paragrawe 1 en 2(I), van Artikel VII is van toepassing op die President van die Konferensie en lede van die Uitvoerende Raad van die Organisasie, en hulle plaasvervangers en adviseurs, behalwe dat enige afstanddoening van die immuniteit van enige sodanige persone van die Uitvoerende Raad ingevolge Afdeling 16 deur die Uitvoerende Raad geskied. 10
2. Die Adjunk-direkteur-generaal van die Organisasie, sy gade en minderjarige kinders geniet ook die voorregte en immuniteit, vrystellings en faciliteite wat ingevolge die volkereg aan diplomatieke gesante toegestaan word, wat Artikel VI, Afdeling 21, van die Konvensie aan die uitvoerende hoof van elke gespesialiseerde agentskap verleen. 15
3. (i) Aan deskundiges (uitgesonderd beampes wat binne die bestek van Artikel VI val) wat in komitees dien van, of missies verrig vir, die Organisasie, word die volgende voorregte en immuniteit verleen in soverre dit nodig is vir die doeltreffende verrigting van hulle funksies, insluitende die tyd bestee aan reise in verband met diens in sodanige komitees of missies: 20
 - (a) Immunitet teen persoonlike inhegtenisname of beslaglegging op hulle persoonlike bagasie;
 - (b) Ten opsigte van gesproke of geskrewe woorde of handelinge deur hulle verrig in die uitvoering van hulle amptelike pligte, immunitet teen regsprosesse van enige aard, en sodanige immunitet duur voort al dien die betrokke persone nie meer in komitees van, of al is hulle nie meer betrokke by missies vir, die Organisasie nie; 25
 - (c) Dieselfde faciliteite ten opsigte van valuta- en wisselkoersbeperkings en ten opsigte van hulle persoonlike bagasie as wat aan beampes van buitelandse regerings op tydelike amptelike missies verleen word.
- (ii) Voorregte en immuniteit word aan die deskundiges van die Organisasie verleen in belang van die Organisasie en nie vir die persoonlike voordeel van die individue self nie. Die Organisasie het die reg en die plig om van die immunitet van enige deskundiges afstand te doen in enige geval waar die immunitet na sy mening die loop van die reg sal belemmer en waar daarvan afstand gedoen kan word sonder benadeling van die Organisasie se belang. 40

AANHANGSEL V

INTERNASIONALE MONETÈRE FONDS

Die Konvensie (insluitende hierdie aanhangsel) is op die Internasjonale Monetêre Fonds (hierna 'die Fonds' genoem) van toepassing behoudens die volgende bepalings:

1. Afdeling 32 van die standaardklousules is van toepassing slegs op verskille wat voortspruit uit die vertolking of toepassing van voorregte en immuniteit wat slegs kragtens hierdie Konvensie aan die Fonds verleen word en wat nie ingesluit is nie by dié waarop hy ingevolge sy Akte van Ooreenkoms of andersins aanspraak kan maak. 55

2. The provisions of the convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Fund or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Fund or any of its members, Governors, Executive Directors, alternates, officers or employees by the Articles of Agreement of the Fund, or by any statute, law or regulation of any member of the Fund or any political subdivision of any such member, or otherwise.

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ANNEX VI

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INTERNATIONAL BANK FOR RECONSTRUCTION
AND DEVELOPMENT

In its application to the International Bank for Reconstruction and Development (hereinafter called 'the Bank'), the convention (including this annex) shall operate subject to the following provisions:

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1. The following shall be substituted for section 4:
 'Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member of the Bank in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgement against the Bank.'
2. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Bank solely from this convention and are not included in those which it can claim under its Articles of Agreement or otherwise.
3. The provisions of the convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Bank or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Bank or any of its members, Governors, Executive Directors, alternates, officers or employees by the Articles of Agreement of the Bank or by any statute, law or regulation of any member of the Bank or any political subdivision of any such member, or otherwise.

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ANNEX VII

THE WORLD HEALTH ORGANIZATION

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In their application to the World Health Organization (hereinafter called 'the Organization') the standard clauses shall operate subject to the following modifications:

1. Article V and section 25, paragraphs 1 and 2 (I), of Article VII shall extend to persons designated to serve on the Executive Board of the Organization, their alternates and advisers, except that any waiver of the immunity of any such persons under section 16 shall be by the Board.
2. (i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions:
- (a) Immunity from personal arrest or seizure of their personal baggage;

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WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

2. Die bepalings van die Konvensie (insluitende hierdie aanhangsel) wysig of verander nie die Akte van Ooreenkoms van die Fonds of vereis die wysiging of verandering daarvan nie en dit benadeel of beperk ook nie enige van die regte, immuniteite, voorregte of vrystellings wat by die Akte van Ooreenkoms van die Fonds, of by enige statuut, wet of regulasie van enige lid van die Fonds of enige politieke onderverdeling van enige sodanige lid, of andersins, aan die Fonds of enige van sy lede, Goewerneurs, Uitvoerende Direkteure, plaasvervangers, beampes of werknemers verleen is nie.

AANHANGSEL VI

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INTERNASIONALE BANK VIR HEROPBOU EN ONTWIKKELING

Die Konvensie (insluitende hierdie aanhangsel) is op die Internasionale Bank vir Heropbou en Ontwikkeling (hierna ‘die Bank’ genoem) van toepassing behoudens die volgende bepalings:

1. Afdeling 4 word deur die volgende vervang:
‘Aksies kan teen die Bank ingestel word slegs in ’n hof met bevoegde jurisdiksies in die gebiede van ’n lid van die Bank waarin die Bank ’n kantoor het, ’n agent aangestel het vir die doel van die aanvaarding van betekening of kennis van proses, of sekuriteite uitgereik of gewaarborg het. Geen aksies mag egter ingestel word deur lede of persone wat namens lede optree of eise van lede ontvang nie. Die eiendom en bates van die Bank, waar dit ook al geleë is en deur wie dit ook al gehou word, is immuun teen alle vorms van beslaglegging, inbeslagneming of eksekusie voor die lewering van die finale uitspraak teen die Bank.’
2. Afdeling 32 van die standaardklousules is van toepassing slegs op verskille wat voortspruit uit die vertolking of toepassing van voorregte en immuniteite wat slegs kragtens hierdie Konvensie aan die Bank verleen word en wat nie ingesluit is nie by dié waarop hy ingevolge sy Akte van Ooreenkoms of andersins aanspraak kan maak.
3. Die bepaling van die Konvensie (insluitende hierdie aanhangsel) wysig of verander nie die Akte van Ooreenkoms van die Bank of vereis die wysiging of verandering daarvan nie en dit benadeel of beperk ook nie enige van die regte, immuniteite, voorregte of vrystellings wat by die Akte van Ooreenkoms van die Bank of by enige statuut, wet of regulasie van enige lid van die Bank of enige politieke onderverdeling van enige sodanige lid, of andersins, aan die Bank of enige van sy lede, Goewerneurs, Uitvoerende Direkteure, plaasvervangers, beampes of werknemers verleen is nie.

AANHANGSEL VII

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DIE WÊRELDGESONDHEIDSORGANISASIE

Die standaardklousules is op die Wêreldgesondheidsorganisasie (hierna ‘die Organisasie’ genoem) van toepassing behoudens die volgende bepaling:

1. Artikel V en Afdeling 25, paragrawe 1 en 2(I) van Artikel VII is van toepassing op persone wat aangewys is om in die Uitvoerende Raad van die Organisasie te dien, en hulle plaasvervangers en adviseurs, behalwe dat enige afstanddoening van die immuniteit van enige sodanige persone ingevolge Afdeling 16 deur die Raad geskied.
2. (i) Aan deskundiges (uitgesonderd beampes wat binne die bestek van Artikel VI val) wat in komitees dien van, of missies verrig vir, die Organisasie, word die volgende voorregte en immuniteite verleent in soverre dit nodig is vir die doeltreffende uitvoering van hulle funksies, insluitende die tyd bestee aan reise in verband met diens in sodanige komitees of missies:
 - (a) Immuniteit teen persoonlike inhegtenisname of beslaglegging op hulle persoonlike bagasie;

Act No. 37, 2001

DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

- (b) In respect of words spoken or written or acts done by them in performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization; 5
- (c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions; 10
- (d) Inviolability of their papers and documents.
- (e) For the purpose of their communications with the Organization, the right to use codes and to receive papers or correspondence by courier or in sealed bags. 15
- (ii) The privileges and immunities set forth in paragraphs (b) and (e) above shall be accorded to persons serving on Expert Advisory Panels of the Organization in the exercise of their functions as such.
- (iii) Privileges and immunities are granted to the experts of the Organization in the interest of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any experts in any case where in its opinion the immunity would impede the course of justice, and it can be waived without 20 prejudice to the interest of the Organization. 25
3. Article V and section 25, paragraphs 1 and 2 (I), or Article VII shall extend to the representatives of Associate Members participating in the work of the Organization in accordance with Articles 8 and 47 of the Constitution. 30
4. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to any Deputy Director-General, Assistant Director-General and Regional Director of the Organization.

ANNEX VIII

35

UNIVERSAL POSTAL UNION

The standard clauses shall apply without modification.

ANNEX IX

INTERNATIONAL TELECOMMUNICATIONS UNION

The standard clauses shall apply without modification, except that the 40 International Telecommunication Union shall not claim for itself the enjoyment of privileges treatment with regard to the 'Facilities in respect of communications' provided in articles IV, section 11.

ANNEX X

INTERNATIONAL REFUGEE ORGANIZATION

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The standard clauses shall apply without modification.

ANNEX XI

WORLD METEOROLOGICAL ORGANIZATION

The standard clauses shall apply without modification.

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

- (b) Ten opsigte van gesproke of geskrewe woorde of handelinge deur hulle verrig in die uitvoering van hulle amptelike funksies, immuniteit teen regsprosesse van enige aard, en sodanige immuniteit duur voort al dien die betrokke persone nie meer in komitees van, of al is hulle nie meer betrokke by missies vir, die Organisasie nie; 5
- (c) Dieselfde fasiliteite ten opsigte van valuta- en wisselkoersbeperkings en ten opsigte van hulle persoonlike bagasie as wat aan beamptes van buitelandse regerings op tydelike amptelike missies verleen word; 10
- (d) Onskendbaarheid van hulle stukke en dokumente;
- (e) Vir doeleindes van hulle kommunikasie met die Organisasie, die reg om kodes te gebruik en om stukke of korrespondensie per koerier of in verseëldé sakke te ontvang. 15
- (ii) Die voorregte en immuniteit in paragrawe (b) en (e) hierbo uiteengesit, word verleent aan persone wat in Deskundige Adviespanele van die Organisasie dien, by die uitvoering van hulle funksies as sodanig.
- (iii) Voorregte en immuniteit word aan die deskundiges van die Organisasie verleent in belang van die Organisasie en nie vir die persoonlike voordeel van die individue self nie. Die Organisasie het die reg en die plig om van die immuniteit van enige deskundiges afstand te doen in enige geval waar die immuniteit na sy mening die loop van die reg sal belemmer en waar daarvan afstand gedoen kan word sonder benadeling van die Organisasie se belang. 20
3. Artikel V en Afdeling 25, paragrawe 1 en 2(I), of Artikel VIII is van toepassing op die verteenwoordigers van Assosiaatlede wat deelneem aan die werk van die Organisasie ooreenkomsdig Artikels 8 en 47 van die Grondwet. 30
4. Die voorregte, immuniteit, vrystellings en fasiliteite in Afdeling 21 van die standaardkousules bedoel, word aan enige Adjunk-direkteurgeneraal, Assistent-direkteur-generaal en Streekdirekteur van die Organisasie verleent. 35

AANHANGSEL VIII

UNIVERSELE POSUNIE

Die standaardklousules is sonder wysiging van toepassing.

AANHANGSEL IX

INTERNASIONALE TELEKOMMUNIKASIE-UNIE

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Die standaardklousules is sonder wysiging van toepassing, behalwe dat die Internasionale Telekommunikasie-unie nie aanspraak maak op die genieting van voorregte of behandeling met betrekking tot 'Fasiliteite ten opsigte van kommunikasie' waarvoor Artikel IV, Afdeling 11, voorsiening maak nie. 45

AANHANGSEL X

INTERNASIONALE VLUGTELINGE-ORGANISASIE

Die standaardklousules is sonder wysiging van toepassing.

AANHANGSEL XI

WÊRELD- METEOROLOGIESE ORGANISASIE

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Die standaardklousules is sonder wysiging van toepassing.

ANNEX XII

INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION

1. The privileges, immunities, exemptions and facilities referred to in Article VI, section 21 of the standard clauses shall also be accorded to the Secretary-General of the Organization, to the Deputy Secretary-General and to the Secretary of the Maritime Safety Committee, provided that the provisions of this paragraph shall not require the Member in whose territory the Organization has its Headquarters to apply Article VI, section 21 of the standard clauses to any person who is its national. 10
2. (a) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions: 15
- (i) Immunity from personal arrest or seizure of their personal baggage; 20
 - (ii) In respect of words spoken or written or acts done by them in performance of their official functions, immunity from legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization; 25
 - (iii) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions; 30
 - (iv) Inviolability of their papers and documents relating to the work on which they are engaged for the Organization; 35
 - (v) The right to use codes and to receive documents and correspondence by courier or in sealed bags for their communications with the Inter-Governmental Maritime Consultative Organization.
- In connection with (iv) and (v) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable. 40
- (b) Privileges and immunities are granted to such experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and duty to waive the immunity of any expert in any case where, in its opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization. 45

ANNEX XIII

INTERNATIONAL FINANCE CORPORATION

In its application to the International Finance Corporation (hereinafter called 'the Corporation') the Convention (including this annex) shall operate subject to the following provisions: 50

1. The following shall be substituted for section 4:
 'Actions may be brought against the Corporation only in a court of competent jurisdiction in the territories of a member in which the Corporation has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and 55

AANHANGSEL XII

INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION

1. Die voorregte, immuniteite, vrystellings en fasiliteite in Artikel VI, Afdeling 21 van die standaardklousules bedoel, word ook verleen aan die Sekretaris-generaal van die Organisasie, aan die Adjunk-sekretaris-generaal en aan die Sekretaris van die Maritieme Veiligheidskomitee, met dien verstande dat die bepalings van hierdie paragraaf nie vereis dat die Lid in wie se gebied die Organisasie sy Hoofkwartier het, Artikel VI, Afdeling 21 van die standaardklousules moet toepas op enige persoon wat sy burger is nie. 5 10
2. (a) Aan deskundiges (uitgesonderd beampies wat binne die bestek van Artikel VI val) wat in komitees dien van, of missies verrig vir, die Organisasie, word die volgende voorregte en immuniteite verleent in soverre dit nodig is vir die doeltreffende uitvoering van hulle funksies, insluitende die tyd bestee aan reise in verband met diens in sodanige komitees of missies: 15
- (i) Immunitet teen persoonlike inhegtenisname of beslaglegging op hulle persoonlike bagasie; 20
 - (ii) Ten opsigte van gesproke of geskrewe woorde of handelinge deur hulle verrig in die uitvoering van hulle amptelike funksies, immunitet teen regssprosesse van enige aard, en sodanige immunitet duur voort al dien die betrokke persone nie meer in komitees van, of al is hulle nie meer betrokke by missies vir, die Organisasie nie; 25
 - (iii) Dieselfde fasiliteite ten opsigte van valuta- en wisselkoersbeperkings en ten opsigte van hulle persoonlike bagasie as wat aan beampies van buitelandse regerings op tydelike amptelike missies verleen word;
 - (iv) Onskendbaarheid van hulle stukke en dokumente rakende die werk waarby hulle betrokke is vir die Organisasie; 30
 - (v) Vir doeleinnes van hulle kommunikasie met die Inter-Governmental Maritime Consultative Organization, die reg om kodes te gebruik en om dokumente en korrespondensie per koerier of in verseëlde sakke te ontvang. 35
- In verband met (iv) en (v) hierbo is die beginsel vervat in die laaste sin van Afdeling 12 van die standaardklousules van toepassing.
- (b) Voorregte en immuniteite word aan sodanige deskundiges verleent in belang van die Organisasie en nie vir die persoonlike voordeel van die individue self nie. Die Organisasie het die reg en die plig om van die immunitet van enige deskundiges afstand te doen in enige geval waar die immunitet na sy mening die loop van die reg sal belemmer en waar daarvan afstand gedoen kan word sonder benadeling van die Organisasie se belang. 40 45

AANHANGSEL XIII

INTERNASIONALE FINANSIEKORPORASIE

Die Konvensie (insluitende hierdie aanhangsel) is op die Internasionale Finansiekorporasie (hierna 'die Korporasie' genoem) van toepassing behoudens die volgende bepalings: 50

1. Afdeling 4 word deur die volgende vervang:
 'Aksies kan teen die Korporasie ingestel word slegs in 'n hof met bevoegde jurisdiksies in die gebiede van 'n lid waarin die Korporasie 'n kantoor het, 'n agent aangestel het vir die doel van die aanvaarding van betekening of kennis van proses, of sekuriteite uitgereik of gewaarborg het. Geen aksies mag egter ingestel word deur lede of persone wat namens lede optree of eise van lede verkry nie. Die eiendom en bates van die Korporasie, waar dit ook al geleë is en deur wie dit ook al gehou word, is immuun teen alle vorms van' 55 60

- assets of the Corporation shall, where so ever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgement against the Corporation.'
2. Paragraph (b) of section 7 of the standard clauses shall apply to the Corporation subject to Article III, section 5 of the Articles of Agreement of the Corporation. 5
 3. The Corporation in its discretion may waive any of the privileges and immunities conferred under Articles VI of its Articles of Agreement to such extent and upon such conditions as it may determine. 10
 4. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Corporation from this Convention and are not included in those which it can claim under its Articles of Agreement or otherwise. 15
 5. The provisions of the Convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Corporation or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Corporation or any of its members, Governors, Executive Directors, Alternates, offices and employees by the Articles of Agreement of the Corporation, or by any statute, law or regulation of any member of the Corporation or any political subdivision of any such member, or otherwise. 20 25

ANNEX XIV

INTERNATIONAL DEVELOPMENT ASSOCIATION

- In its application to the International Development Association (hereinafter called 'The Association') the Convention, including this annex, shall operate subject to the following provisions: 30
1. The following shall be substituted for section 4:
'Actions may be brought against the Association only in a court of competent jurisdiction in the territories of a member in which the Association has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Association shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgement against the Association.' 35 40
 2. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Association from this Convention and are not included in those which it can claim under its Articles of Agreement or otherwise. 45
 3. The provisions of the Convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Association or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Association or any of its members, Governors, Executive Directors, Alternates, offices and employees by the Articles of Agreement of the Association, or by any statute, law or regulation of any member of the Association or any political subdivision of any such member, or otherwise. 50

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

- beslaglegging, inbesagneming of eksekusie voor die lewering van die finale uitspraak teen die Korporasie.'
2. Paragraaf (b) van Afdeling 7 van die standaardklousules is op die Korporasie van toepassing behoudens Artikel III, Afdeling 5 van die Akte van Ooreenkoms van die Korporasie. 5
 3. Die Korporasie kan na goeddunke afstand doen van enige van die voorregte en immuniteite wat kragtens Artikel VI van sy Akte van Ooreenkoms verleen is, in die mate en op die voorwaardes wat hy bepaal.
 4. Afdeling 32 van die standaardklousules is van toepassing slegs op verskille wat voortspruit uit die vertolking of toepassing van voorregte en immuniteite wat slegs kragtens hierdie Konvensie aan die Korporasie verleen word en wat nie ingesluit is nie by dié waarop hy ingevolge sy Akte van Ooreenkoms of andersins aanspraak kan maak. 10
 5. Die bepalings van die Konvensie (insluitende hierdie aanhangsel) wysig of verander nie die Akte van Ooreenkoms van die Korporasie of vereis die wysiging of verandering daarvan nie en dit benadeel of beperk ook nie enige van die regte, immuniteite, voorregte of vrystellings wat by die Akte van Ooreenkoms van die Korporasie, of by enige statuut, wet of regulasie van enige lid van die Korporasie of enige politieke onderverdeling van enige sodanige lid, of andersins, aan die Korporasie of enige van sy lede, Goewerneurs, Uitvoerende Direkteure, plaasvervangers, beampies of werknemers verleen is nie. 15 20

AANHANGSEL XIV

INTERNASIONALE ONTWIKKELINGSVERENIGING

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Die Konvensie (insluitende hierdie aanhangsel) is op die Internasionale Ontwikkelingsvereniging (hierna 'die Vereniging' genoem) van toepassing behoudens die volgende bepalings:

1. Afdeling 4 word deur die volgende vervang:
'Aksies kan teen die Vereniging ingestel word slegs in 'n hof met bevoegde jurisdiksie in die gebiede van 'n lid waarin die Vereniging 'n kantoor het, 'n agent aangestel het vir die doel van die aanvaarding van betekening of kennis van proses, of sekuriteite uitgereik of gewaarborg het. Geen aksies mag egter ingestel word deur lede of persone wat namens lede optree of eise van lede verkry nie. Die eiendom en bates van die Vereniging, waar dit ook al geleë is en deur wie dit ook al gehou word, is immuum teen alle vorms van beslaglegging, inbesagneming of eksekusie voor die lewering van die finale uitspraak teen die Vereniging.' 30
2. Afdeling 32 van die standaardklousules is van toepassing slegs op verskille wat voortspruit uit die vertolking of toepassing van voorregte en immuniteite wat slegs kragtens hierdie Konvensie aan die Vereniging verleen word en wat nie ingesluit is nie by dié waarop hy ingevolge sy Akte van Ooreenkoms of andersins aanspraak kan maak. 40
3. Die bepalings van die Konvensie (insluitende hierdie aanhangsel) wysig of verander nie die Akte van Ooreenkoms van die Vereniging of vereis die wysiging of verandering daarvan nie en dit benadeel of beperk ook nie enige van die regte, immuniteite, voorregte of vrystellings wat by die Akte van Ooreenkoms van die Vereniging, of by enige statuut, wet of regulasie van enige lid van die Vereniging of enige politieke onderverdeling van enige sodanige lid, of andersins, aan die Vereniging of enige van sy lede, Goewerneurs, Uitvoerende Direkteure, plaasvervangers, beampies of werknemers verleen is nie. 45 50

ANNEX XV

WORLD INTELLECTUAL PROPERTY ORGANIZATION

In their application to the World Intellectual Property Organization (hereinafter called 'the Organization'), the standard clause shall operate subject to the following modifications:

1. The privileges, immunities, exemptions and facilities referred to in Article VI, section 21 of the standard clauses shall also be accorded to the Deputy Directors General of the Organization.
2. (a) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for, the

Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions:

- (i) Immunity from personal arrest or seizure of their personal baggage;
- (ii) In respect of words spoken or written or acts done by them in performance of their official functions, immunity of legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization;
- (iii) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions;
- (iv) Inviolability for all papers and documents relating to the work on which they are engaged for the Organization;
- (v) For their communications with the Organization, the right to use codes and to receive documents and correspondence by courier or in sealed bags.

In connection with (iv) and (v) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable.

- (b) Privileges and immunities are granted to the experts referred to in paragraph (a) above in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and duty to waive the immunity of any expert in any case where, in its opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization.

ANNEX XVI

GOVERNING COUNCIL OF THE INTERNATIONAL FUND
FOR AGRICULTURAL DEVELOPMENT

In their application to the International Fund for Agricultural Development (hereinafter called 'the Fund') the standard clauses shall operate subject to the following provisions:

1. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to the Secretary-General of the Organization, to the any Vice-President of the Fund.
2. (i) Experts (other than officials coming within the scope of Article VI) serving on committees of, or performing missions for the Fund shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions:

AANHANGSEL XV

WÊRELDORGANISASIE VIR INTELLEKTUELE EIENDOM

Die standaardklousules is op die Wêreldorganisasie vir Intellektuele Eiendom (hierna 'die Organisasie' genoem) van toepassing behoudens die volgende wysings:

1. Die voorregte, immuniteite, vrystellings en fasilitete in Artikel VI, Afdeling 21 van die standaardklousules bedoel, word ook aan die Adjunk-direkteurs-generala van die Organisasie verleen. 5
 2. (a) Aan deskundiges (uitgesonderd beampes wat binne die bestek van Artikel VI val) wat in komitees dien van, of missies verrig vir, die Organisasie, word die volgende voorregte en immuniteite verleen in soverre dit nodig is vir die doeltreffende uitvoering van hulle funksies, insluitende die tyd bestee aan reise in verband met diens in sodanige komitees of missies:
 - (i) Immuniteit teen persoonlike inhegtenisname of beslaglegging op hulle persoonlike bagasie; 15
 - (ii) Ten opsigte van gesproke of geskrewe woorde of handelinge deur hulle verrig in die uitvoering van hulle amptelike funksies, immuniteit teen regssprosesse van enige aard, en sodanige immuniteit duur voort al dien die betrokke persone nie meer in komitees van, of al is hulle nie meer betrokke by missies vir, die Organisasie nie; 20
 - (iii) Dieselfde fasilitete ten opsigte van valuta- en wisselkoersbeperkings en ten opsigte van hulle persoonlike bagasie as wat aan beampes van buitelandse regerings op tydelike amptelike missies verleen word; 25
 - (iv) Onskendaarheid van alle stukke en dokumente rakende die werk waarby hulle betrokke is vir die Organisasie;
 - (v) Vir hulle kommunikasie met die Organisasie, die reg om kodes te gebruik en om dokumente en korrespondensie per koerier of in verseêlde sakke te ontvang. 30
- In verband met (iv) en (v) hierbo is die beginsel vervat in die laaste sin van Afdeling 12 van die standaardklousules van toepassing.
- (b) Voorregte en immuniteite word aan die deskundiges in paragraaf (a) hierbo bedoel, verleen in belang van die Organisasie en nie vir die persoonlike voordeel van die individue self nie. Die Organisasie het die reg en die plig om van die immuniteit van enige deskundiges afstand te doen in enige geval waar die immuniteit na sy mening die loop van die reg sal belemmer en waar daarvan afstand gedoen kan word sonder benadeling van die Organisasie se belang. 35 40

AANHANGSEL XVI

BEHEERRAAD VAN DIE INTERNASIONALE FONDS
VIR LANDBOU-ONTWIKKELING

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Die standaardklousules is op die Internasionale Fonds vir Landbouontwikkeling (hierna 'die Fonds' genoem) van toepassing behoudens die volgende bepalings:

1. Die voorregte, immuniteite, vrystellings en fasilitete in Afdeling 21 van die standaardklousules bedoel, word ook aan die Sekretaris-generaal van die Organisasie en aan enige Visepresident van die Fonds verleen. 50
2. (i) Aan deskundiges (uitgesonderd beampes wat binne die bestek van Artikel VI val) wat in komitees dien van, of missies verrig vir, die Fonds, word die volgende voorregte en immuniteite verleen in soverre dit nodig is vir die doeltreffende uitvoering van hulle funksies, insluitende die tyd bestee aan reise in verband met diens in sodanige komitees of missies: 55

Act No. 37, 2001

DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001

- (a) Immunity from personal arrest or seizure of their personal baggage; 5
- (b) In respect of words spoken or written or acts done by them in performance of their official functions, immunity of legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Fund;
- (c) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions; 10
- (d) Inviolability of their papers and documents relating to the work on which they are engaged for the Fund and, for the purpose of their communications with the Fund, the right to use codes and to receive papers or correspondence by courier or in sealed bags. 15
- (ii) In connection with (d) of 2(i) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable. 20
- (iii) Privileges and immunities are granted to such experts in the interests of the Fund and not for the personal benefit of the individuals themselves. The Fund shall have the right and duty to waive the immunity of any expert in any case where, in its opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Fund. 25

ANNEX XVII

UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

In their application to the United Nations Industrial Development Organization (hereinafter called 'the Organization') the standard clauses shall operate subject to the following modifications: 30

1. (a) Experts (other than officials coming within the scope of Article VI) serving as committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time on journeys in connection with service on such committees or missions: 35
 - (i) Immunity from personal arrest or detention and from seizure of their personal baggage; 40
 - (ii) In respect of words spoken or written or acts done by them in performance of their official functions, immunity of legal process of every kind, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on missions for, the Organization; 45
 - (iii) The same facilities in respect of currency and exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign governments on temporary official missions; 50
 - (iv) Inviolability of their papers and documents;
 - (v) For their communications with the Organization, the right to use codes and to receive documents and correspondence by courier or in sealed bags.
- (b) In connection with subparagraphs (iv) and (v) of paragraph 1(a) above, the principle contained in the last sentence of section 12 of the standard clauses shall be applicable. 55
- (c) Privileges and immunities are granted to such experts of the Organization in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization 60

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

- (a) Immuniteit teen persoonlike inhegtenisname of beslaglegging op hulle persoonlike bagasie;
- (b) Ten opsigte van gesproke of geskrewe woorde of handelinge deur hulle verrig in die uitvoering van hulle amptelike funksies, immuniteit teen regsprosesse van enige aard, en sodanige immuniteit duur voort al dien die betrokke persone nie meer in komitees van, of al is hulle nie meer betrokke by missies vir, die Fonds nie;
- (c) Dieselfde fasiliteite ten opsigte van valuta- en wisselkoersbeperkings en ten opsigte van hulle persoonlike bagasie as wat aan beamptes van buitelandse regerings op tydelike amptelike missies verleen word;
- (d) Onskendbaarheid van hulle stukke en dokumente rakende die werk waarby hulle betrokke is vir die Fonds, en vir doeleindes van hulle kommunikasie met die Fonds, die reg om kodes te gebruik en om stukke of korrespondensie per koerier of in verseë尔de sakke te ontvang.
- (ii) In verband met (d) van 2(i) hierbo is die beginsel vervat in die laaste sin van Afdeling 12 van die standaardklousules van toepassing.
- (iii) Voorregte en immuniteit word aan sodanige deskundiges in belang van die Fonds verleen en nie vir die persoonlike voordeel van die individue self nie. Die Fonds het die reg en die plig om van die immuniteit van enige deskundiges afstand te doen in enige geval waar die immuniteit na sy mening die loop van die reg sal belemmer en waar daarvan afstand gedoen kan word sonder benadeling van die Fonds se belange.

AANHANGSEL XVII

VERENIGDE NASIES SE
NYWERHEIDONTWIKKELINGSORGANISASIE

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Die standaardklousules is op die Verenigde Nasies se Nywerheidontwikkelingsorganisasie (hierna 'die Organisasie' genoem) van toepassing behoudens die volgende wysigings:

1. (a) Aan deskundiges (uitgesonderd beamptes wat binne die bestek van Artikel VI val) wat in komitees dien van, of missies verrig vir, die Organisasie, word die volgende voorregte en immuniteit verleen in soverre dit nodig is vir die doeltreffende uitvoering van hulle funksies, insluitende die tyd bestee aan reise in verband met diens in sodanige komitees of missies:
 - (i) Immuniteit teen persoonlike inhegtenisname of beslaglegging op hulle persoonlike bagasie;
 - (ii) Ten opsigte van gesproke of geskrewe woorde of handelinge deur hulle verrig in die uitvoering van hulle amptelike funksies, immuniteit teen regsprosesse van enige aard, en sodanige immuniteit duur voort al dien die betrokke persone nie meer in komitees van, of al is hulle nie meer betrokke by missies vir, die Organisasie nie;
 - (iii) Dieselfde fasiliteite ten opsigte van valuta- en wisselkoersbeperkings en ten opsigte van hulle persoonlike bagasie as wat aan beamptes van buitelandse regerings op tydelike amptelike missies verleen word;
 - (iv) Onskendbaarheid van hulle stukke en dokumente;
 - (v) Vir hulle kommunikasie met die Organisasie, die reg om kodes te gebruik en om dokumente en korrespondensie per koerier of in verseë尔de sakke te ontvang.
- (b) In verband met subparagraphe (iv) en (v) van paragraaf 1(a) hierbo is die beginsel vervat in die laaste sin van Afdeling 12 van die standaardklousules van toepassing.
- (c) Voorregte en immuniteit word aan sodanige deskundiges van die Organisasie in belang van die Organisasie verleen en nie vir

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Act No. 37, 2001**DIPLOMATIC IMMUNITIES AND
PRIVILEGES ACT, 2001**

shall have the right and duty to waive the immunity of any expert in any case where, in its opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization.

2. The privileges, immunities, exemptions and facilities referred to in section 21 of the standard clauses shall also be accorded to any Deputy Director-General of the Organization. 5

WET OP DIPLOMATIEKE IMMUNITEITE
EN VOORREGTE, 2001

Wet No. 37, 2001

die persoonlike voordeel van die individue self nie. Die Organisasie het die reg en die plig om van die immunitet van enige deskundiges afstand te doen in enige geval waar die immunitet na sy mening die loop van die reg sal belemmer en waar daarvan afstand gedoen kan word sonder benadeling van die Organisasie se belang.

2. Die voorregte, immunitete, vrystellings en fasiliteite in Afdeling 21 van die standaardklosules bedoel, word ook aan enige Adjunk-direkteur-generaal van die Organisasie verleen.

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