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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN BUITELANDSE SAKE

No. 584

19 Maart 1994

Hierby word vir algemene kennisname, bekendgemaak dat die Minister van Buitelandse Sake ingevolge artikel 3 (4) van die Wet op Diplomatieke Immunitate en Voorregte, 1989 (Wet No. 74 van 1989), die Multilateral Investment Guarantee Agency erken het vir die doel van die verlening van voorregte en immunitate teen die siviele en kriminele jurisdiksie van die houe van die Republiek van Suid-Afrika, soos gespesifiseer in Hoofstuk VII van die Konvensie ter Stigting van die Multilateral Investment Guarantee Agency van 11 Oktober 1985, welke Hoofstuk by proklamasie in die *Staatskoerant* gepubliseer staan te word.

PROKLAMASIE

*van die
Staatspresident
van die Republiek van Suid-Afrika*

No. 47, 1994

PUBLIKASIE VAN HOOFSTUK VII VAN DIE KONVENSIË TER STIGTING VAN DIE MULTILATERAL INVESTMENT GUARANTEE AGENCY

Ingevolge artikel 5 van die Wet op Diplomatieke Immunitate en Voorregte, 1989 (Wet No. 74 van 1989), publiseer ek hierby in die Bylae hiervan Hoofstuk VII van die Konvensie ter Stigting van die

GOVERNMENT NOTICE

DEPARTMENT OF FOREIGN AFFAIRS

No. 584

19 March 1994

It is hereby published for general information that the Minister of Foreign Affairs has, in terms of section 3 (4) of the Diplomatic Immunities and Privileges Act, 1989 (Act No. 74 of 1989), recognised the Multilateral Investment Guarantee Agency for the purpose of granting privileges and immunities from the civil and criminal jurisdiction of the courts of the Republic of South Africa, as specified in Chapter VII of the Convention Establishing the Multilateral Investment Guarantee Agency of 11 October 1985, which Chapter is to be published by Proclamation in the *Gazette*.

PROCLAMATION

*by the
State President
of the Republic of South Africa*

No. 47, 1994

PUBLICATION OF CHAPTER VII OF THE CONVENTION ESTABLISHING THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

Under section 5 of the Diplomatic Immunities and Privileges Act, 1989 (Act No. 74 of 1989), I hereby publish, in the Schedule hereto, Chapter VII of the Convention Establishing the Multilateral Investment Guar-

Multilateral Investment Guarantee Agency (MIGA) van 11 Oktober 1985, bekragtig deur die Regering van die Republiek van Suid-Afrika, waarin voorsiening gemaak word vir die verlening van immunitete en voorregte aan MIGA.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Twee-entwintigste dag van Februarie Eenduisend Negehoonderd Vier-en-negentig.

F. W. DE KLERK,

Staatspresident.

Op las van die Staatspresident-in-Kabinet:

R. F. BOTHA,

Minister van die Kabinet.

BYLAE

HOOFTUK VII

VOORREGTE EN IMMUNITEITE

Artikel 43. Doel van Hoofstuk

Ten einde die Agency in staat te stel om sy funksies te verrig, word die voorregte en immunitete in hierdie Hoofstuk uiteengesit, aan die Agency in die gebiede van elke lid toegestaan.

Artikel 44. Regsproses

Ander aksies as dié binne die bestek van Artikels 57 en 58 kan slegs in 'n bevoegde hof teen die Agency ingestel word in die gebiede van 'n lid waar die Agency 'n kantoor het of 'n agent aangestel het om betekening of kennis van geregtelike prosesstukke te ontvang. Geen sodanige aksie mag teen die Agency ingestel word nie (i) deur lede of persone wat handel namens lede of eise van lede verkry of (ii) ten opsigte van persoonlike aangeleenthede. Die eiendom en bates van die Agency, waar ook al geleë en deur wie ook al gehou, is immuun teen alle vorme van inbeslag-neming, beslaglegging of eksekusie voordat 'n finale vonnis teen die Agency gegee of 'n toekenning teen hom gedoen is.

Artikel 45. Bates

- (a) Die eiendom en bates van die Agency, waar ook al geleë en deur wie ook al gehou, is immuun teen deursoeking, opeising, verbeurd-verklaring, onteiening of enige ander vorm van inbeslag-neming deur uitvoerende of wetgewende optrede.
- (b) In die mate waarin dit noodsaaklik is vir die uitvoering van sy werksaamhede kragtens hierdie Konvensie, is alle eiendom en bates van die Agency vry van beperkings, regulasies, beheermaatreëls en moratoria van enige aard: Met dien verstande dat eiendom en bates verkry deur die Agency as opvolger of subrogaris van 'n houer van 'n waarborg, 'n herversekerde entiteit of 'n belegger verseker

antee Agency (MIGA) of 11 October 1985, ratified by the Government of the Republic of South Africa, wherein provision is made for the granting of immunities and privileges to MIGA.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-second day of February, One thousand Nine hundred and Ninety-four.

F. W. DE KLERK,

State President.

By Order of the State President-in-Cabinet:

R. F. BOTHA,

Minister of the Cabinet.

SCHEDULE

CHAPTER VII

PRIVILEGES AND IMMUNITIES

Article 43. Purpose of Chapter

To enable the Agency to fulfil its functions, the immunities and privileges set forth in this Chapter shall be accorded to the Agency in the territories of each member.

Article 44. Legal Process

Actions other than those within the scope of Articles 57 and 58 may be brought against the Agency only in a court of competent jurisdiction in the territories of a member in which the Agency has an office or has appointed an agent for the purpose of accepting service or notice of process. No such action against the Agency shall be brought (i) by members or persons acting for or deriving claims from members or (ii) in respect of personnel matters. The property and assets of the Agency shall, wherever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of the final judgment or award against the Agency.

Article 45. Assets

- (a) The property and assets of the Agency, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.
- (b) To the extent necessary to carry out its operations under this Convention, all property and assets of the Agency shall be free from restrictions, regulations, controls and moratoria of any nature; provided that property and assets acquired by the Agency as successor to or subrogee of a holder of a guarantee, a reinsured entity or an investor insured by a reinsured entity shall be free from applicable for-

deur 'n herversekerde entiteit, vry is van toepaslike valutabeperkings, -regulasies en -beheermaatreëls van krag in die gebiede van die betrokke lid in die mate waarin die houer, entiteit of belegger aan wie die Agency gesubrogeer was, geregtig was op sodanige behandeling.

- (c) Vir doeleindes van hierdie Hoofstuk sluit die uitdrukking "bates" die bates in van die Sponsorship Trust Fund bedoel in Aanhangsel I by hierdie Konvensie en ander bates geadmistreer deur die Agency ter bevordering van sy doelwit.

Artikel 46. Argiewe en Kommunikasies

- (a) Die argiewe van die Agency is onskendbaar, waar hulle ook al is.
- (b) Aan die amptelike kommunikasies van die Agency word deur elke lid dieselfde behandeling verleen as aan die amptelike kommunikasies van die Bank.

Artikel 47. Belasting

- (a) Die Agency, sy bates, eiendom en inkomste en sy werksaamhede en transaksies wat by hierdie Konvensie gemagtig is, is immuun teen alle belasting en doeaneregte. Die Agency is ook immuun teen aanspreeklikheid vir die vordering of betaling van enige belasting of regte.
- (b) Buiten in die geval van plaaslike landsburgers word geen belasting gehef op of ten opsigte van uitgawetoelaes betaal deur die Agency aan Goewerneurs en hulle plaasvervangers, of op of ten opsigte van salarisse, uitgawetoelaes of ander emolumente betaal deur die Agency aan die Voorsitter van die Raad, direkteure, hulle plaasvervangers, die President of personeel van die Agency nie.
- (c) Geen belasting hoegenaamd word gehef nie op enige belegging deur die Agency gewaarborg of herverseker (insluitende enige verdienste daaruit) of op enige versekeringspolisse deur die Agency herverseker (insluitende enige premies en ander inkomste daaruit) deur wie ook al gehou (i) wat teen sodanige belegging of versekeringspolis diskrimineer bloot omdat dit deur die Agency gewaarborg of herverseker word, of (ii) indien die enigste geregtelike grondslag vir sodanige belasting die ligging is van enige kantoor of plek van besigheid wat deur die Agency in stand gehou word.

Artikel 48. Beamptes van die Agency

Alle Goewerneurs, direkteure, plaasvervangers, die President en personeel van die Agency—

- (i) is immuun teen regsproses ten opsigte van handelinge deur hulle in hulle amptelike hoedanigheid verrig;

foreign exchange restrictions, regulations and controls in force in the territories of the member concerned to the extent that the holder, entity or investor to whom the Agency was subrogated was entitled to such treatment.

- (c) For purposes of this Chapter, the term "assets" shall include the assets of the Sponsorship Trust Fund referred to in Annex I to this Convention and other assets administered by the Agency in furtherance of its objective.

Article 46. Archives and Communications

- (a) The archives of the Agency shall be inviolable, wherever they may be.
- (b) The official communications of the Agency shall be accorded by each member the same treatment that is accorded to the official communications of the Bank.

Article 47. Taxes

- (a) The Agency, its assets, property and income, and its operations and transactions authorized by this Convention, shall be immune from all taxes and customs duties. The Agency shall also be immune from liability for the collection or payment of any tax or duty.
- (b) Except in the case of local nationals, no tax shall be levied on or in respect of expense allowances paid by the Agency to Governors and their Alternates or on or in respect of salaries, expense allowances or other emoluments paid by the Agency to the Chairman of the Board, directors, their alternates, the President or staff of the Agency.
- (c) No taxation of any kind shall be levied on any investment guaranteed or reinsured by the Agency (including any earnings therefrom) or any insurance policies reinsured by the Agency (including any premiums and other revenues therefrom) by whomsoever held: (i) which discriminates against such investment or insurance policy solely because it is guaranteed or reinsured by the Agency; or (ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Agency.

Article 48. Officials of the Agency

All Governors, directors, alternates, the President and staff of the Agency—

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity;

(ii) wat nie plaaslike landsburgers is nie, geniet dieselfde immuniteite teen immigrasiebeperkings, vreemdelingeregistrasievereistes en nasionale diensplig, en dieselfde fasiliteite met betrekking tot valutabeperkings as wat deur die betrokke lede aan die verteenwoordigers, beamptes en werknemers van vergelykbare rang van ander lede toegestaan word; en

(iii) ontvang dieselfde behandeling ten opsigte van reisfasiliteite as wat deur die betrokke lede aan verteenwoordigers, beamptes en werknemers van vergelykbare rang van ander lede toegestaan word.

Artikel 49. Toepassing van hierdie Hoofstuk

Elke lid moet in sy eie gebiede die nodige stappe doen ten einde ooreenkomstig sy eie reg die beginsels in hierdie Hoofstuk uiteengesit, in werking te stel, en moet aan die Agency volle besonderhede verstrek van die stappe wat hy gedoen het.

Artikel 50. Afstanddoening

Die immuniteite, vrystellings en voorregte verstrek in hierdie Hoofstuk, word toegestaan in belang van die Agency en daar kan daarvan afstand gedoen word in die mate en op sodanige voorwaardes as wat die Agency mag bepaal, in gevalle waar so 'n afstanddoening nie sy belange sal benadeel nie. Die Agency moet afstand doen van die immuniteit van enigeen van sy personeel in gevalle waar die immuniteit na sy mening die loop van die gereg sal belemmer en daar daarvan afstand gedoen kan word sonder benadeling van die belange van die Agency.

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN BUITELANDSE SAKE

No. 585 19 Maart 1994

Hierby word vir algemene kennisname bekendgemaak dat die Minister van Buitelandse Sake ingevolge artikel 3 (4) van die Wet op Diplomatieke Immuniteite en Voorregte, 1989 (Wet No. 74 van 1989), die Internasionale Bank vir Heropbouing en Ontwikkeling, die Internasionale Ontwikkelingsassosiasie en die Internasionale Finansieringskorporasie, waarvan Suid-Afrika lid is, erken het vir die doel van die verlening van voorregte en immuniteite teen die siviele en kriminele jurisdiksie van die houe van die Republiek van Suid-Afrika, soos gespesifiseer in die onderskeie Aktes van Ooreenkoms van genoemde Organisasies, welke aktes by proklamasie in die *Staatskoerant* gepubliseer staan te word.

(ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations, and the same facilities as regards exchange restrictions as are accorded by the members concerned to the representatives, officials and employees of comparable rank of other members; and

(iii) shall be granted the same treatment in respect of travelling facilities as is accorded by the members concerned to representatives, officials and employees of comparable rank of other members.

Article 49. Application of this Chapter

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Chapter and shall inform the Agency of the detailed action which it has taken.

Article 50. Waiver

The immunities, exemptions and privileges provided in this Chapter are granted in the interests of the Agency and may be waived, to such extent and upon such conditions as the Agency may determine, in cases where such a waiver would not prejudice its interests. The Agency shall waive the immunity of any of its staff in cases where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interest of the Agency.

GOVERNMENT NOTICE

DEPARTMENT OF FOREIGN AFFAIRS

No. 585 19 March 1994

It is hereby published for general information that the Minister of Foreign Affairs has in terms of section 3 (4) of the Diplomatic Immunities and Privileges Act, 1989 (Act No. 74 of 1989), recognised the International Bank for Reconstruction and Development, the International Development Association and the International Finance Corporation, of which South Africa is a member, for the purpose of granting immunities and privileges from the civil and criminal jurisdiction of the courts of the Republic of South Africa, as specified in the respective Articles of Agreement of the said organisations and which Articles are to be published by proclamation in the *Gazette*.

PROKLAMASIE

van die
Staatspresident
van die Republiek van Suid-Afrika

No. 48, 1994

VERLENING VAN IMMUNITEITE EN VOORREGTE AAN DIE INTERNASIONALE BANK VIR HEROPBOUING EN ONTWIKKELING, DIE INTERNASIONALE ONTWIKKELINGSASSOSIASIE EN DIE INTERNASIONALE FINANSIERINGSKORPORASIE

Ingevolge Artikel 5 van die Wet op Diplomatieke Immunitate en Voorregte, 1989 (Wet No. 74 van 1989), en ten einde uitvoering te gee aan die vereistes vervat in klousule 10 van Artikel 7 van die Akte van Ooreenkoms van die Internasionale Bank vir Heropbouing en Ontwikkeling van 27 Desember 1945, in klousule 10 van Artikel 8 van die Akte van Ooreenkoms van die Internasionale Ontwikkelingsassosiasie van 24 September 1960 en in klousule 10 van Artikel 6 van die Akte van Ooreenkoms van die Internasionale Finansieringskorporasie van 20 Julie 1956, dat lidstate sodanige stappe moet doen as wat nodig is om ooreenkomstig hulle eie reg aan die beginsels in die onderskeie Artikels uiteengesit, uitvoering te gee, publiseer ek hierby in die Bylaes hiervan genoemde Artikels waarin voorsiening gemaak word vir die verlening van immunitate en voorregte aan genoemde organisasies.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Twee-entwintigste dag van Februarie Eenduisend Negehonderd Vier-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

R. F. BOTHA,
Minister van die Kabinet.

BYLAE A

AKTE VAN OOREENKOMS VAN DIE INTERNASIONALE BANK VIR HEROPBOUING EN ONTWIKKELING VAN 27 DESEMBER 1945

ARTIKEL VII**STATUS, VRYWARINGS EN VOOREGTE****Klousule 1. Doel van Artikel**

Ten einde die Bank in staat te stel om die funksies wat aan hom toevertrou is, uit te oefen, word die status, vrywarings en voorregte soos in hierdie artikel uiteengesit aan die Bank in die gebiede van elke lid verleen.

Klousule 2. Status van die Bank

Die Bank geniet volle regspersoonlikheid en is in die besonder bevoeg om—

- (i) te kontrakteer;

PROCLAMATION

by the
State President
of the Republic of South Africa

No. 48, 1994

GRANTING OF IMMUNITIES AND PRIVILEGES TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, THE INTERNATIONAL DEVELOPMENT ASSOCIATION AND THE INTERNATIONAL FINANCE CORPORATION

Under section 5 of the Diplomatic Immunities and Privileges Act, 1989 (Act No. 74 of 1989), and in order to give effect to the requirements contained in section 10 of Articles 7 of the Articles of Agreement of the International Bank for Reconstruction and Development of 27 December 1945, in section 10 of Article 8 of the Articles of Agreement of the International Development Association of 24 September 1960 and in section 10 of Article 6 of the Articles of Agreement of the International Finance Corporation of 20 July 1956, that member states shall take such action as is necessary to make effective in terms of their own law the principles set forth in the various Articles, I hereby publish, in the Schedules hereto, the said Articles wherein provision is made for the granting of immunities and privileges to the said organisations.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-second day of February, One thousand Nine hundred and Ninety-four.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

R. F. BOTHA,
Minister of the Cabinet.

SCHEDULE A

ARTICLES OF AGREEMENT OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT OF 27 DECEMBER 1945

ARTICLE VII**STATUS, IMMUNITIES AND PRIVILEGES****Section 1. Purpose of Article**

To enable the Bank to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Bank in the territories of each member.

Section 2. Status of the Bank

The Bank shall possess full juridical personality, and, in particular, the capacity:

- (i) to contract;

- (ii) roerende en onroerende eiendom te verkry en te vervreem;
- (iii) regsproses in te stel.

Klousule 3. Posisie van die Bank ten opsigte van regsproses

Regsproses kan slegs teen die Bank ingestel word in 'n bevoegde hof in die gebiede van 'n lid waar die Bank 'n kantoor het, waar hy 'n agent benoem het vir die doel om diening of kennis van geregtelike prosesstukke aan te neem, of waar hy effekte uitgegee of gewaarborg het. Geen regsprosedings kan egter ingestel word deur lede of persone wat handel namens lede of vordering van lede verkry het nie. Die eiendom en bates van die Bank, waar ook al geleë of deur wie ook al gehou, is vry van alle vorme van inbeslagneming, beslaglegging of eksekusie voordat 'n eindvonnis teen die Bank gevel is.

Klousule 4. Bates gevrywaar teen inbeslag-neming

Eiendom en bates van die Bank, waar ook al geleë en deur wie ook al gehou, is gevrywaar teen deursoeking, opeising, verbeurdverklaring, onteiening of enige ander vorm van inbeslag-neming deur uitvoerende of wetgewende optrede.

Klousule 5. Onskendbaarheid van argiewe

Die argiewe van die Bank is onskendbaar.

Klousule 6. Bate moet vry van beperkings wees

Vir sover dit noodsaaklik is om die werksaamhede waarvoor in hierdie Ooreenkoms voorsiening gemaak is, uit te voer, en behoudens die bepalings van hierdie Ooreenkoms, is alle eiendom en bates van die Bank vry van beperkings, regulasies, beheer en moratoria van enige aard.

Klousule 7. Bevoorregte kommunikasies

Aan die offisiële kommunikasies van die Bank moet elke lid dieselfde behandeling verleen as aan die offisiële kommunikasies van ander lede.

Klousule 8. Vrywarings en voorregte van beamptes en werknemers

Alle goewerneurs, uitvoerende direkteurs, plaasvervangers, beamptes en werknemers van die Bank—

- (i) is gevrywaar teen regsproses ten opsigte van handelinge deur hulle in hul amptelike hoedanigheid verrig, behalwe wanneer die Bank van daardie vrywaring afsien;
- (ii) wat nie plaaslike landsburgers is nie, geniet dieselfde vrywarings ten opsigte van immigrasiebeperkings, vereistes vir die registrasie van vreemdelinge en nasionale diensverplichtings en dieselfde fasiliteite met betrekking tot valutabeperkings as wat deur lede aan die verteenwoordigers, beamptes en werknemers van vergelykbare rang van ander lede toegestaan word;

- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

Section 3. Position of the Bank with regard to judicial process

Action may be brought against the Bank only in a court of competent jurisdiction in the territories of a member 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 judgment against the Bank.

Section 4. Immunity of assets from seizure

Property and assets of the Bank, wherever located and by whomever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of archives

The archives of the Bank shall be inviolable.

Section 6. Freedom of assets from restrictions

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Bank shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. Privilege for communications

The official communications of the Bank shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. Immunities and privileges of officers and employees

All governors, executive directors, alternates, officers and employees of the Bank—

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Bank waives this immunity;
- (ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;

- (iii) ontvang dieselfde behandeling ten opsigte van reisfasiliteite as wat deur lede van verteenwoordigers, beamptes en werknemers van vergelykbare rang van ander lede toegestaan word.

Klousule 9. Vrydom van belasting

- (a) Die Bank, sy bates, eiendom, inkomste en sy werksaamhede en transaksies wat by hierdie Ooreenkoms gemagtig is, is vry van alle belasting en van alle doeaneregte. Die Bank is ook vry van aanspreeklikheid vir die invordering of betaling van enige belasting of regte.
- (b) Geen belasting word gehef op of ten opsigte van salarisse en besoldigings wat deur die Bank betaal word aan uitvoerende direkteurs, plaasvervangers, beamptes of werknemers van die Bank wat nie plaaslike burgers, plaaslike onderdane, of ander plaaslike landsburgers is nie.
- (c) Geen belasting hoegenaamd word gehef nie op skuldbriewe of effekte deur die Bank uitgegee (insluitende enige dividend of rente daarop) deur wie ook al gehou—
- (i) wat teen sulke skuldbriewe of effekte diskrimineer slegs omdat dit deur die Bank uitgegee is; of
 - (ii) as die uitsluitende regsbevoegdheidsbasis van so 'n belasting die plek of valuta is waarin dit uitgegee, betaalbaar gemaak of betaal is, of die ligging van 'n kantoor of plek of besigheid is wat deur die Bank in stand gehou word.
- (d) Geen belasting hoegenaamd word gehef nie op skuldbriewe of effekte deur die Bank gewaarborg (insluitende enige dividend of rente daarop) deur wie ook al gehou—
- (i) wat teen sodanige skuldbriewe of effekte diskrimineer bloot omdat dit deur die Bank gewaarborg is; of
 - (ii) as die uitsluitende regsbevoegdheidsbasis van so 'n belasting die ligging van 'n kantoor of plek van besigheid is wat deur die Bank in stand gehou word nie.

BYLAE B

AKTE VAN OOREENKOMS VAN DIE INTERNASIONALE ONTWIKKELINGSASSOSIASIE VAN 24 SEPTEMBER 1960

ARTIKEL VIII

STATUS, IMMUNITEITE EN VOORREGTE

Klousule 1. Doel van Artikel

Ten einde die Assosiasie in staat te stel om die funksies wat aan hom toevertrou is, ten uitvoer te bring, word die status, immuniteite en voorregte waarvoor in hierdie Artikel voorsiening gemaak is, aan die Assosiasie in die gebied van elke lid verleen.

- (iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. Immunities from taxation

- (a) The Bank, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxations and from all customs duties. The Bank shall also be immune from liability for the collection or payment of any tax or duty.
- (b) No tax shall be levied on or in respect of salaries and emoluments paid by the Bank to executive directors, alternates, officials or employees of the Bank who are not local citizens, local subjects, or other local nationals.
- (c) No taxation of any kind shall be levied on any obligation or security issued by the Bank (including any dividend or interest thereon) by whomsoever held—
- (i) which discriminates against such obligation or security solely because it is issued by the Bank
 - (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.
- (d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Bank (including any dividend or interest thereon) by whomsoever held—
- (i) which discriminates against such obligation or security solely because it is guaranteed by the Bank; or
 - (ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

SCHEDULE B

ARTICLES OF AGREEMENT OF THE INTERNATIONAL DEVELOPMENT ASSOCIATION OF 24 SEPTEMBER 1960

ARTICLE VIII

STATUS, IMMUNITIES AND PRIVILEGES

Section 1. Purpose of Article

To enable the Association to fulfil the functions with which it is entrusted, the status, immunities and privileges provided in this Article shall be accorded to the Association in the territories of each member.

Klousule 2. Status van die Assosiasie

Die Assosiasie het volle regs persoonlikheid en is, in die besonder, bevoeg om—

- (i) kontrakte aan te gaan;
- (ii) onroerende en roerende eiendom te verkry en te vervreem;
- (iii) regsproses in te stel.

Klousule 3. Posisie van Assosiasie ten opsigte van Regsproses

Aksies kan slegs in 'n bevoegde hof teen die Assosiasie ingestel word in die gebiede van 'n lid waar die Assosiasie 'n kantoor het, 'n agent aangestel het vir die doel om betekening of kennis van proes te ontvang, of waar hy effekte uitgereik of gewaarborg het. Geen aksies kan egter ingestel word deur lede of persone wat handel namens lede of vordering van lede verkry het nie. Die eiendom en bates van die Assosiasie, waar ook al geleë en deur wie ook al gehou, is immuun teen alle vorme van inbeslagneming, beslaglegging of eksekusie voordat finale vonnis teen die Assosiasie gegee is.

Klousule 4. Immunititeit van Bates teen Inbeslagneming

Eiendom en bates van die Assosiasie, waar ook al geleë en deur wie ook al gehou, is immuun teen deursoeking, opeising, verbeurdverklaring, onteiening of enige ander vorm van inbeslagneming deur uitvoerende of wetgewende optrede.

Klousule 5. Immunititeit van Argiewe

Die argiewe van die Assosiasie is onskendbaar.

Klousule 6. Bates vry van Beperkings

In die mate waarin dit noodsaaklik is vir die uitvoering van die werksaamhede waarvoor in hierdie Ooreenkoms voorsiening gemaak is en behoudens die bepalings van hierdie Ooreenkoms, is alle eiendom en bates van die Assosiasie vry van beperkings, regulasies, beheermaatreëls en moratoria van enige aard.

Klousule 7. Bevoorregting vir Kommunikasies

Aan die amptelike kommunikasies van die Assosiasie moet elke lid dieselfde behandeling verleen as aan die amptelike kommunikasies van ander lede.

Klousule 8. Immunitete en Voorregte van Beamptes en Werknemers

Alle Goewerneys, Uitvoerende Direkteurs, Plaasvervangers, beamptes en werknemers van die Assosiasie—

- (i) is immuun teen regsproses ten opsigte van handelinge deur hulle in hulle amptelike hoedanigheid verrig, behalwe wanneer die Assosiasie van daardie immunititeit afstand doen;
- (ii) wat nie plaaslike landsburgers is nie, geniet dieselfde immunitete ten opsigte van immigrasiebeperkings, vreemdelingeregistrasievereistes en nasionale diensverpligtinge en dieselfde fasiliteite met betrekking tot valuta-

Section 2. Status of the Association

The Association shall possess full judicial personality and, in particular, the capacity:

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

Section 3. Position of the Association with regard to Judicial Process

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 judgment against the Association.

Section 4. Immunity of Assets from Seizure

Property and assets of the Association, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of Archives

The archives of the Association shall be inviolable.

Section 6. Freedom of Assets from Restrictions

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Association shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. Privilege for Communications

The official communications of the Association shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8. Immunities and Privileges of Officers and Employees

All Governors, Executive Directors, Alternates, officers and employees of the Association—

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Association waives this immunity;
- (ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as

beperkings as wat deur lede aan die verteenwoordigers, beamptes en werknemers van vergelykbare rang van ander lede toegestaan word;

- (iii) ontvang dieselfde behandeling ten opsigte van reisfasiliteite as wat deur lede aan verteenwoordigers, beamptes en werknemers van vergelykbare rang van ander lede toegestaan word.

Klousule 9. Vrystelling van Belasting

(a) Die Assosiasie, sy bates, eiendom, inkomste en sy werksaamhede en transaksies wat by hierdie Ooreenkoms gemagtig is, is vrygestel van alle belasting en van alle doeaneregte. Die Assosiasie is ook vrygestel van aanspreeklikheid vir die vordering of betaling van enige belasting of reg.

(b) Geen belasting word gehef op of ten opsigte van salarisse en emolumente wat deur die Assosiasie betaal word aan Uitvoerende Direkteurs, Plaasvervangers, beamptes of werknemers van die Assosiasie wat nie plaaslike burgers, plaaslike onderdane of ander plaaslike landsburgers is nie.

(c) Geen belasting hoegenaamd word gehef nie op skuldbriewe of effekte deur die Assosiasie uitgereik (insluitende enige dividend of rente daarop) deur wie ook al gehou—

(i) wat teen sodanige skuldbriewe of effekte diskrimineer bloot omdat dit deur die Assosiasie uitgereik is; of

(ii) as die enigste geregtelike grondslag vir sodanige belasting die plek of valuta is waarin dit uitgereik, betaalbaar gemaak of betaal is, of die ligging van 'n kantoor of plek van besigheid is wat deur die Assosiasie in stand gehou word.

(d) Geen belasting hoegenaamd word gehef nie op skuldbriewe of effekte deur die Assosiasie gewaarborg (insluitende enige dividend of rente daarop) deur wie ook al gehou—

(i) wat teen sodanige skuldbriewe of effekte diskrimineer bloot omdat dit deur die Assosiasie gewaarborg is; of

(ii) as die enigste geregtelike grondslag vir sodanige belasting die ligging van 'n kantoor of plek van besigheid is wat deur die Assosiasie in stand gehou word.

Klousule 10. Toepassing van Artikel

Elke lid moet in sy eie gebiede die nodige stappe doen ten einde ooreenkomstig sy eie reg aan die beginsels in hierdie artikel uiteengesit, uitvoering te gee, en moet aan die Assosiasie volle besonderhede verstrek van die stappe wat hy gedoen het.

regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;

- (iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. Immunities from Taxation

(a) The Association, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Association shall also be immune from liability from the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Association to Executive Directors, Alternates, officials or employees of the Association who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Association (including any dividend or interest thereon) by whomsoever held—

(i) which discriminates against such obligation or security solely because it is issued by the Association; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Association.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Association (including any dividend or interest thereon) by whomsoever held—

(i) which discriminates against such obligation or security solely because it is guaranteed by the Association; or

(ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Association.

Section 10. Application of Article

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Association of the detailed action which it has taken.

BYLAE C**AKTE VAN OOREENKOMS VAN DIE
INTERNASIONALE FINANSIERINGSKOR-
PORASIE VAN 20 JULIE 1956****ARTIKEL VI****STATUS, IMMUNITEIT EN VOORREGTE****Klousule 1. Doel van Artikel**

Om die Korporasie in staat te stel om die funksies wat aan hom toevertrou is, ten uitvoer te bring, moet die status, immuniteite en voorregte wat in hierdie artikel uiteengesit word, in die gebiede van elke lid aan die Korporasie toegestaan word.

Klousule 2. Status van die Korporasie

Die Korporasie besit volle regspersoonlikheid en, in die besonder, die bevoegdheid om—

- (i) kontrakte aan te gaan;
- (ii) onroerende en roerende eiendom aan te skaf en van die hand te sit;
- (iii) regsgedinge in te stel.

**Klousule 3. Posisie van die Korporasie met
betrekking tot Geregtelike
Proses**

Aksies kan slegs in 'n bevoegde hof teen die Korporasie ingestel word in die gebiede van 'n lid waar die Korporasie 'n kantoor het, 'n agent aangestel het om diening of kennis van proses te ontvang of waar hy sekuriteite uitgereik of gewaarborg het. Geen aksies kan egter ingestel word deur lede of persone wat optree namens of eise verkry van lede nie. Die eiendom en bates van die Korporasie, waar ook al geleë en deur wie ook al gehou, is vrygestel van alle vorms van inbeslagneming, beslaglegging of verlyding voor die lewering van finale vonnis teen die Korporasie.

**Klousule 4. Immunititeit van Bates teen
Beslaglegging**

Eiendom en bates van die Korporasie, waar ook al geleë of deur wie ook al gehou, is immuun teen ondersoek, opvordering, konfiskering, onteiening of enige ander vorm van beslaglegging deur uitvoerende of geregtelike aksie.

Klousule 5. Immunititeit van Argief

Die argief van die Korporasie is onskendbaar.

Klousule 6. Bates vry van Beperkings

Vir sover dit nodig is om die transaksies wat in hierdie Ooreenkoms bepaal word, ten uitvoer te bring en behoudens die bepalinge van Artikel III, klousule 5, en die ander bepalinge van hierdie Ooreenkoms, is alle eiendom en bates van die Korporasie vry van beperkings, regulasies, beheermaatreëls en moratoria van enige aard.

Klousule 7. Bevoorregting vir Mededelings

Die amptelike mededelings van die Korporasie moet deur elke lid dieselfde behandeling toegestaan word as wat hy aan die amptelike mededelings van ander lede toestaan.

SCHEDULE C**ARTICLES OF AGREEMENT OF THE INTER-
NATIONAL FINANCE CORPORATION OF
20 JULY 1956****ARTICLE VI****STATUS, IMMUNITIES AND PRIVILEGES****Section 1. Purpose of Articles**

To enable the Corporation to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Corporation in the territories of each member.

Section 2. Status of the Corporation

The Corporation shall possess full juridical personality and, in particular, the capacity—

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

**Section 3. Position of the Corporation with
regard to Judicial Process**

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 assets of the Corporation shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Corporation.

Section 4. Immunity of Assets from Seizure

Property and assets of the Corporation, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of Archives

The archives of the Corporation shall be inviolable.

**Section 6. Freedom of Assets from restric-
tions**

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of Article III, section 5, and the other provisions of this Agreement, all property and assets of the Corporation shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. Privilege for Communications

The official communications of the Corporation shall be accorded by each member the same treatment that it accords to the official communications of other members.

Klousule 8. Immunitet en Voorregte van Amptenare en Werknemers

Alle Goewerneurs, Direkteure, Plaasvervangers, amptenare en werknemers van die Korporasie —

- (i) is immuun teen geregtelike prosesse ten opsigte van dade deur hulle verrig in hul amptelike hoedanigheid;
- (ii) moet, wanneer hulle nie plaaslike burgers is nie, dieselfde immunitet toegestaan word teen immigrasiebeperkings, registrasievereistes vir vreemdelinge en nasionale diensverpligtings en dieselfde fasiliteite wat betref wisselkoersbeperkings as wat lede aan ander lede se verteenwoordigers, amptenare en werknemers van ooreenstemmende range toestaan;
- (iii) moet dieselfde behandeling geniet ten opsigte van reisfasiliteite as wat lede aan ander lede se verteenwoordigers, amptenare en werknemers van ooreenstemmende range toestaan.

Klousule 9. Vrystelling van Belasting

- (a) Die Korporasie, sy bates, eiendom, inkomste, werksaamhede en transaksies wat deur hierdie Ooreenkoms gemagtig word, is vrygestel van alle belasting en van alle doeaneregte. Die Korporasie is ook vrygestel van aanspreeklikheid vir die invordering of betaling van enige belasting of reg.
- (b) Geen belasting mag gehef word op of ten opsigte van salarisse en lone wat deur die Korporasie betaal word aan Direkteure, Plaasvervangers, amptenare of werknemers van die Korporasie wat nie plaaslike burgers, plaaslike onderdane of ander plaaslike burgers is nie.
- (c) Geen belasting van watter aard ook al mag gehef word op enige obligasie of sekuriteit wat deur die Korporasie uitgereik word nie (met inbegrip van enige dividend of rente daarop), deur wie ook al gehou —
 - (i) wat slegs teen sodanige obligasie of sekuriteit diskrimineer omdat dit deur die Korporasie uitgereik is; of
 - (ii) as die enigste geregtelike grondslag vir sodanige belasting die plek of valuta is waarin dit uitgereik, betaalbaar gemaak of betaal is, of die ligging van enige kantoor of besigheidsplek wat deur die Korporasie in stand gehou word.
- (d) Geen belasting van watter aard ook al mag gehef word op enige obligasie of sekuriteit wat deur die Korporasie gewaarborg word nie (met inbegrip van enige dividend of rente daarop, deur wie ook al gehou —
 - (i) wat slegs teen sodanige obligasie of sekuriteit diskrimineer omdat dit deur die Korporasie gewaarborg word; of

Section 8. Immunities and Privileges of Officers and Employees

All Governors, Directors, Alternates, officers and employees of the Corporation —

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity;
- (ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;
- (iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. Immunities from Taxation

- (a) The Corporation, its assets, property, income and its operations and transactions authorised by this Agreement, shall be immune from all taxation and from all customs duties. The Corporation shall also be immune from liability for the collection or payment of any tax or duty.
- (b) No tax shall be levied on or in respect of salaries and emoluments paid by the Corporation to Directors, Alternates, officials or employees of the Corporation who are not local subjects, or other local nationals.
- (c) No taxation of any kind shall be levied on any obligation or security issued by the Corporation (including any dividend or interest thereon) by whomsoever held —
 - (i) which discriminates against such obligation or security solely because it is issued by the Corporation; or
 - (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Corporation.
- (d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Corporation (including any dividend or interest thereon) by whomsoever held —
 - (i) which discriminates against such obligation or security solely because it is guaranteed by the Corporation; or

- (ii) as die enigste geregtelike grondslag vir sodanige belasting die ligging van enige kantoor of besigheidsplek is wat deur die Korporasie in stand gehou word.

Klousule 10. Toepassing van Artikel

Elke lid moet dié stappe doen wat in sy eie gebiede nodig is om die beginsels wat in hierdie Artikel neergelê word, doeltreffend toe te pas ingevolge sy eie wet, en hy moet die Korporasie uitvoerig in kennis stel van die stappe wat hy gedoen het.

Klousule 11. Afstanddoening

Die Korporasie kan na goeëddunke afstand doen van enigeen van die voorregte en vrystellings wat kragtens hierdie Artikel aan hom toegeken word, in so 'n mate en op sulke voorwaardes as wat hy vasstel.

- (ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Corporation.

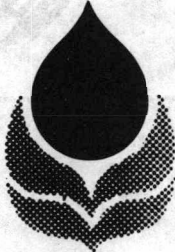
Section 10. Application of Article

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principle set forth in this Article and shall inform the Corporation of the detailed action which it has taken.

Section 11. Waiver

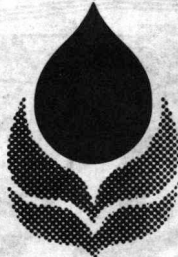
The Corporation in its discretion may waive any of the privileges and immunities conferred under this Article to such extent and upon such conditions as it may determine.

Werk mooi daarmee

Ons leef  daarvan

water is kosbaar

Use it

Don't abuse  it

water is for everybody



DEPARTEMENT VAN OMGEWINGSAKE

WEERBURO



Wêreld Weerkundige Dag

23-3-94



DEPARTMENT OF ENVIRONMENT AFFAIRS

WEATHER BUREAU

**WORLD METEOROLOGICAL DAY****23-3-94**

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