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REPUBLIC OF SOUTH AFRICA

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No. 21855



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

CONTENTS • INHOUD

No.

Page
No. Gazette
No.**PROCLAMATION**

R. 76	Diplomatic Immunities and Privileges Act, 1989 (74/1989): Agreement between the Government of the Republic of South Africa and the United Nations Environment Programme on the granting of immunities and privileges	3	21855
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PROCLAMATION**by the****PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA****No. R. 79, 2000****AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE UNITED NATIONS ENVIRONMENT PROGRAMME ON THE GRANTING OF IMMUNITIES AND PRIVILEGES.**

Under section 5 of the Diplomatic Immunities and Privileges Act, 1989 (Act No74 of 1989), I hereby publish by way of proclamation, the Agreement between the Government of the Republic of South Africa and the United Nations Environment Programme regarding the granting of immunities and privileges concerning the hosting of the fifth session of the Intergovernmental Negotiating Committee for an international legally binding instrument for implementing international action on certain persistent organic pollutants to be held in Johannesburg from 04 to 09 December 2000, as set out in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 29th day of November Two thousand.



PRESIDENT

By order of the President in Cabinet



MINISTER

SCHEDULE

IMMUNITIES AND PRIVILEGES TO BE CONFERRED ON THE PARTICIPANTS OF THE FIFTH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR IMPLEMENTING INTERNATIONAL ACTION ON CERTAIN PERSISTENT ORGANIC POLLUTANTS TO BE HELD IN JOHANNESBURG, SOUTH AFRICA

The privileges and immunities are to be afforded to those involved in the fifth session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Persistent Organic Pollutants, the organisation of which, and secretariat for which are provided by the United Nations Environment Programme (UNEP).

The following are the arrangements for the fifth session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing Action on Certain Persistent Organic Pollutants:

1. The meeting will be held in Johannesburg, South Africa from 4 to 9 December 2000.
2. The participants in the Meeting will be invited by the Executive Director of UNEP and will include:
 - a. Representative States;
 - b. Organisations that have received standing invitations from UNEP to participate in the meeting as observers;
 - c. Specialised and related agencies of the United Nations;
 - d. Other intergovernmental organisations;
 - e. Intergovernmental organs of the United Nations;
 - f. Non-governmental organisations;
 - g. Officials of the UNEP Secretariat; and
 - h. other persons invited by UNEP.
3. The Executive Director of UNEP will designate the officials of UNEP assigned to attend the meeting for the purpose of servicing it.
4. The Meeting will be open to representatives of the information media.
5. The Convention on the Privileges and Immunities of the United Nations (1946) will apply in respect to the meeting without prejudice to any action the Government may undertake with regard to that Convention. The representatives of States referred to in paragraph 2(a) above, will enjoy the privileges and immunities provided for under Article IV of the convention; the

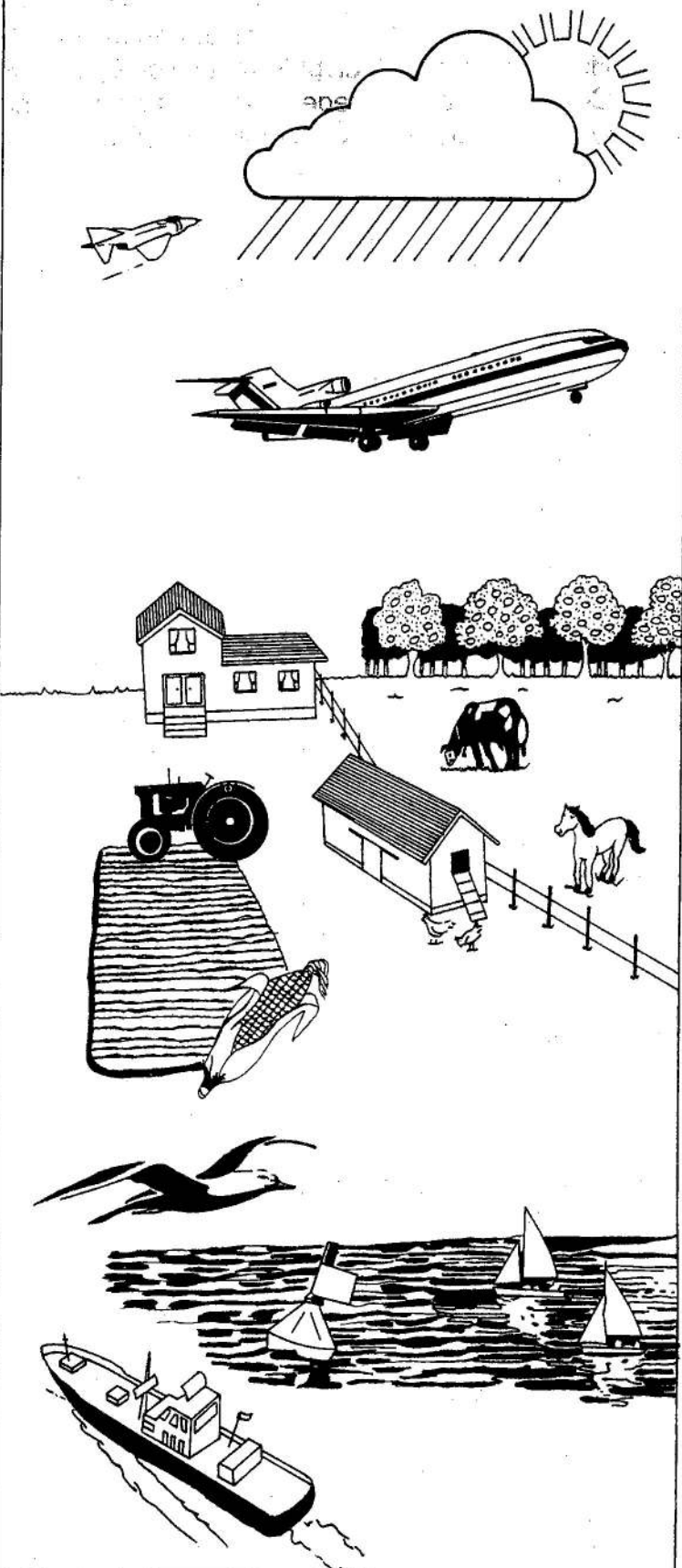
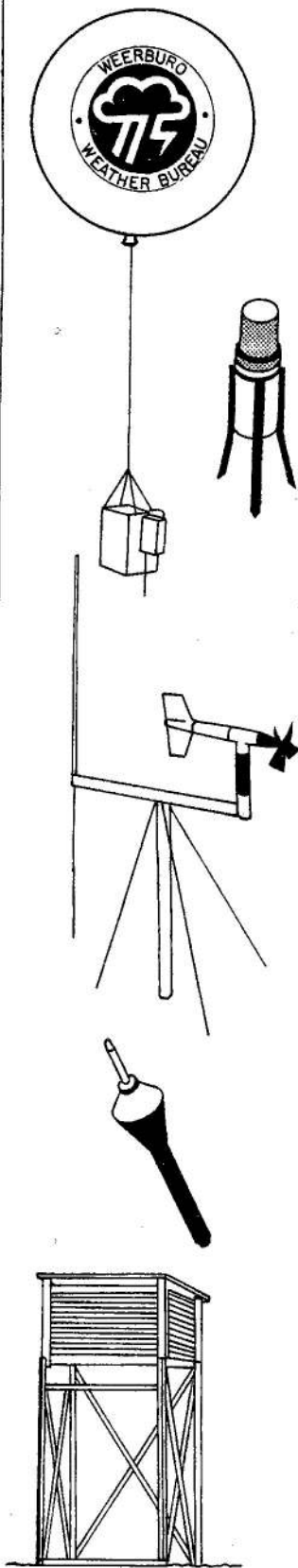
officials of the United Nations performing functions in connection with the meeting referred to in paragraphs 2 (g) and 3 above, will enjoy privileges and immunities provided for under Articles V and VII of the Convention; and any experts on mission for the United Nations in connection with the meeting will enjoy the privileges and immunities provided for under Articles VI and VII of the Convention.

6. Representatives or observers referred to in paragraph 2 (b), (d), (e) and (h), above, will enjoy immunity from legal process in respect to words spoken or written and any action performed by them in connection with their participation in the meeting.
7. The representatives of the specialised or related agencies referred to in paragraph 2(c) above will enjoy the privileges and immunities provided by the Convention of Specialised Agencies (1947) or the Agreement on the Privileges and Immunities of the International Atomic Energy (1959) as appropriate, without prejudice to any action the Government may have undertaken or intends to undertake with regard to these agreements.
8. Without prejudice to the preceding paragraphs, all persons performing functions in connection with the meeting and all those invited to the meeting referred to in paragraph 2 above will enjoy the privileges and immunities necessary for the independent exercise of their functions in connection with the meeting. This paragraph does not apply to citizens of South Africa.
9. All persons referred to in paragraph 2 above will be allowed entry into and exit from South Africa and no impediment will be imposed on their transit to and from the meeting area. Visa and entry permits where required will be granted as speedily as possible.
10. For the purpose of the Convention on the Privileges and Immunities of the United Nations, the meeting premises will be deemed to constitute the premises of the United Nations in the sense of section 3 of the Convention and access thereto will be inviolable for the duration of the meeting as well as the day before and the day after the meeting.
11. The Government will allow the temporary importation, tax free and duty free of all equipment including technical equipment accompanying representatives of information media, and will waive import duties and taxes on supplies, equipment and services necessary for the meeting. The Government will issue without delay any import or export permits necessary for this purpose.
12. Any dispute between the United Nations and the Government concerning the interpretation or application of this agreement that is not settled by negotiation or other agreed mode of settlement will be referred at the request of either party for final decision to a tribunal of three arbitrators, one named by the

Secretary-General of the United Nations, one to be named by the Government, and the third, who will be chairman, to be chosen by the first two. If either party fails to appoint an arbitrator within 60 days of the appointment by the other party, the President of the International Court of Justice may make any necessary appointments at the request of either party. However any such dispute that involves a question regulated by the Convention on Privileges and Immunities of the United Nations will be dealt with in accordance with section 30 of that Convention.

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