

No. 30610

**UNITED NATIONS
and
SOUTH AFRICA**

Agreement concerning the legal status, privileges and immunities of the United Nations Observer Mission and its personnel in South Africa (with annexes). Signed at Pretoria on 14 December 1993

Authentic text: English.

Registered ex officio on 14 December 1993.

**ORGANISATION DES NATIONS UNIES
et
AFRIQUE DU SUD**

Accord relatif au statut légal, aux privilèges et immunités de la Mission d'observation des Nations Unies et de son personnel en Afrique du Sud (avec annexes). Signé à Pretoria le 14 décembre 1993

Texte authentique : anglais.

Enregistré d'office le 14 décembre 1993.

AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA CONCERNING THE LEGAL STATUS, PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS OBSERVER MISSION AND ITS PERSONNEL IN SOUTH AFRICA

PREAMBLE

WHEREAS the Security Council, by its resolution 772 (1992) of 17 August 1992,² authorized the Secretary-General to deploy, as a matter of urgency, United Nations Observers in South Africa, in such a manner and in such numbers as he determines necessary to address effectively certain areas of concern which had been noted in his report on the question of South Africa (S/24389);

WHEREAS pursuant to the above-mentioned resolution and with the agreement of the South African Government and other concerned parties the United Nations Observer Mission in South Africa (hereinafter referred to as "UNOMSA") has been deployed to work in coordination with the structures set up under the National Peace Accord;

WHEREAS the Security Council, by the same resolution, called on the Government of South Africa, parties and organizations, and the structures set up under the National Peace Accord, to extend their full cooperation to the United Nations Observers so as to enable them to carry out their tasks effectively;

WHEREAS the Charter of the United Nations provides in its Article 105 (1) that the United Nations shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes;

WHEREAS the Government of South Africa shall as is set out in this agreement extend to the UNOMSA and its personnel in South Africa certain privileges and immunities as embodied in the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946³ and certain other privileges and immunities which might be extended to diplomatic missions, their premises and personnel in accordance with the South African Diplomatic Immunities and Privileges Act, 1989 (No. 74 of 1989);

The Parties now hereby agree as follows:

¹ Came into force with retroactive effect from 13 September 1992, in accordance with section 54.

² United Nations, *Official Records of the Security Council, Forty-seventh Year, Resolutions and Decisions of the Security Council, 1992, (S/INF/48)*, p. 105.

³ *Ibid.*, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

ARTICLE I: DEFINITIONS

Section 1. For the purpose of this Agreement, the following definitions shall apply:

- (a) "Charter" means Charter of the United Nations and Statute of the International Court of Justice;
- (b) "UNOMSA" means the United Nations Observer Mission in South Africa established pursuant to Security Council resolution 772 (1992) of 17 August 1992 with the terms of reference as described in the report of the Secretary-General of 7 August 1992 (S/24389);
- (c) "Secretary-General" means the chief administrative officer of the Organization as appointed by the General Assembly upon the recommendation of the Security Council;
- (d) "Convention" means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946;
- (e) "Resolution" means Security Council resolution 772 (1992) of 17 August 1992;
- (f) "Report" means the report of the Secretary-General of 7 August 1992 (S/24389) on the question of South Africa;
- (g) "South Africa" means the Republic of South Africa;
- (h) "Government" means the Government of the Republic of South Africa and all competent local authorities;
- (i) "Parties" means the United Nations and the Government;
- (j) "Head of Mission" means the United Nations official in charge of the UNOMSA office in South Africa;
- (k) "UNOMSA officials" means all members of the staff of UNOMSA employed under the Staff Rules and Regulations of the United Nations, with the exception of persons who are recruited locally and assigned to hourly rates as provided in General Assembly resolution 76 (I);¹
- (l) "Experts on Mission" means individuals undertaking missions for UNOMSA, other than UNOMSA officials or persons performing services on behalf of UNOMSA;
- (m) "Persons performing services on behalf of UNOMSA" means natural and juridical persons and their employees, other than nationals of the host country, retained by UNOMSA to execute or assist in the carrying out of its tasks;

¹United Nations, *Official Records of the General Assembly, First Session, Second Part (A/64/Add.1)*, p. 139.

- (n) "Senior official" means the Head, Deputy Head of Mission, and other officials as may be agreed;
- (o) "UNOMSA Personnel" means UNOMSA officials, experts on mission and persons performing services on behalf of UNOMSA during the period of performance;
- (p) "UNOMSA Office" means all offices or premises available to or occupied, maintained or used by the UNOMSA in South Africa for the purposes of carrying out its tasks in terms of resolution 772 (1992).

ARTICLE II. PURPOSE AND SCOPE OF THIS AGREEMENT

Section 2. This Agreement embodies the basic principles and conditions under which the UNOMSA shall carry out its tasks. For this purpose, offices will be established and United Nations Observers will be deployed in South Africa in such a manner and in such numbers as the Secretary-General in consultation with the Government determines necessary to address effectively the areas of concern noted in his report, in coordination with the structures set up under the National Peace Accord of 14 September 1991 which established a compromise framework, agreed upon by all the major parties, organizations and groups of South Africa, to end violence and to facilitate socio-economic development and reconstruction.

ARTICLE III. APPLICATION OF THE CONVENTION

Section 3. Pursuant to this Agreement, the Convention shall apply mutatis mutandis to the UNOMSA premises and the UNOMSA personnel in South Africa.

ARTICLE IV. STATUS OF UNOMSA

Section 4. The UNOMSA shall establish and maintain offices in South Africa for the purpose of discharging its functions in terms of resolution 772 (1992) and of this Agreement.

Section 5. UNOMSA personnel, in keeping with the terms of the resolution 772 (1992) and the relevant provision of the Charter, shall perform their functions in a strictly neutral, independent and non-partisan manner.

Section 6. The Government undertakes to respect the exclusively international nature and non-partisan character of the UNOMSA, and to permit in terms of Section 15 of this Agreement the movement of UNOMSA personnel throughout South Africa in order for UNOMSA to discharge its responsibilities effectively, provided that in normally restricted areas, namely airports and military installations, permits are to be applied for.

United Nations flag, emblem and markings

Section 7. The UNOMSA shall display the United Nations flag, and/or emblem at or on its office premises, official vehicles and

otherwise as agreed between the UNOMSA and the Government. Vehicles, vessels and aircraft of the UNOMSA shall carry a distinctive United Nations emblem or marking, which shall be timeously notified to the Government.

ARTICLE V. FACILITIES FOR UNOMSA

Section 8. The Government, in agreement with the UNOMSA, shall take such measures as may be appropriate to enable the UNOMSA to discharge its functions in South Africa speedily and effectively. Such measures shall include the authorization to operate UNOMSA radio equipment which has been licensed at the prescribed license fees and other telecommunications equipment which meets internationally accepted standards, and to import vehicles as necessary and to licence and register such vehicles with United Nations licence plates, and in respect of State-owned airports, the granting of air traffic rights, the exemption from airport charges (landing, parking and passenger fees) and other fees payable in the transportation of goods, equipment and personnel of UNOMSA.

Section 9. The UNOMSA may use any public roads, bridges, canals and other waterways and port facilities without the payment of dues, tolls, royalties or charges other than charges for services rendered, without prejudice to freedom of movement.

Section 10. It is understood, however, that where it is not feasible for the UNOMSA to obtain direct exemptions from payments of fees, tolls, royalties and other forms of charges, arrangements may be made whereby the Government can reimburse the UNOMSA for payments made in that regard.

Section 11. The Government undertakes to assist the UNOMSA, as far as possible, in obtaining and making available where applicable, appropriate office premises, water, electricity and other facilities required free of charge, or, where this is not possible or contrary to other provisions of this Agreement, at the most favourable rate, and in the case of interruption or threatened interruption of service to give as far as is within its power the same priority to the needs of the UNOMSA as to essential Government services. Any amounts due by the UNOMSA in this regard shall be settled on a basis to be agreed with the Government. The UNOMSA shall be responsible for the maintenance and upkeep of facilities so provided.

Section 12. The Government shall take all the measures, as may be agreed, to ensure the security and protection of the UNOMSA premises, the inviolability of its archives and the safety of UNOMSA personnel. The Government shall, upon the request of and in consultation with the Head of Mission, provide the UNOMSA with such enhanced security arrangements and take such special measures as the two parties may consider necessary for the effective exercise of UNOMSA's functions.

Section 13. The Government shall facilitate the locating and provision of suitable housing accommodation for UNOMSA personnel recruited internationally.

Section 14. The Government shall assist the UNOMSA as far as possible in obtaining equipment, provisions, supplies and goods and services from sources within South Africa, required for its operations and for the subsistence of its staff.

ARTICLE VI. FREEDOM OF MOVEMENT

Section 15. The UNOMSA and its personnel shall enjoy, together with its vehicles, vessels, aircraft and any other equipment, complete freedom of movement on land, sea and in the air within South Africa subject to normal regulations governing air traffic and vessels. The Head of Mission shall consult in advance with the Government with respect to large movements of personnel, stores or vehicles through airports or on railways or roads used for general traffic within South Africa. The Government undertakes to supply the UNOMSA, where necessary, with maps and other information that may be useful in facilitating its movements.

ARTICLE VII. PRIVILEGES AND IMMUNITIES

Section 16. The Government shall extend to the UNOMSA, its premises, property, funds and assets, and to UNOMSA personnel, the relevant privileges and immunities of the Convention, which are incorporated in Annexures A, B, C and D and which shall constitute integral parts of this Agreement. The Government also agrees to grant to the UNOMSA and its personnel such additional privileges and immunities as may be necessary for the effective exercise of its mandated functions.

ARTICLE VIII. UNOMSA PROPERTY, FUNDS AND ASSETS

Section 17. The UNOMSA premises, property, funds and assets, wherever located and by whosoever held, shall be immune from every form of legal process, except insofar as in any particular case the United Nations has expressly waived its immunity; it being understood, however, that this waiver shall not extend to any measure of execution.

Section 18. The UNOMSA premises shall be inviolable. The property, funds and assets of the UNOMSA, wherever situated 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.

Section 19. The archives of the UNOMSA, including all the papers, documents, correspondence, books, films, tapes, registers, databases and computerized documentation belonging to or held by it, shall be inviolable.

Section 20. No restriction will be placed on the UNOMSA introducing foreign currency into South Africa to fund the operations nor on the repatriation of any such funds to any countries abroad. The same privileges in regard to movement of funds related to their activities will be accorded to the UNOMSA as are made available to all foreign embassy bank accounts in South Africa.

Section 21. UNOMSA may freely exchange foreign currency through any South African authorized dealer in exchange at the market rate of exchange, for its use in South Africa including the remuneration of its personnel.

ARTICLE IX. EXEMPTION FROM TAXATION, CUSTOMS DUTIES
PROHIBITIONS OR RESTRICTIONS ON IMPORTS AND EXPORTS

UNOMSA Office

Section 22. The UNOMSA shall be exempted from all dues and taxes, direct or indirect, personal or real, national, regional or municipal, other than such as represent payment for specific services rendered. Thus the Government shall exempt the UNOMSA from excise duties, sales tax and value added tax, and from taxes, fees or duties on the sale or purchase by the UNOMSA of movable and immovable property in South Africa. The UNOMSA and the Government will agree on the appropriate administrative arrangements for the disposal of movable and immovable property and for the remission or refund of the amount of duty, tax or levy where it is not feasible to make direct exemption.

Section 23. The UNOMSA, its assets, income and other property shall be exempt from:

- (a) All direct and indirect taxes, provided that the UNOMSA will not be entitled to exemptions for charges for public utility services;
- (b) Customs duties, prohibitions or restrictions on articles imported or exported by or on behalf of the UNOMSA for official use provided that the articles imported under such exemption will not be sold or otherwise disposed of by or on behalf of UNOMSA in South Africa except under conditions agreed upon with the Government;
- (c) Customs duties, prohibitions or restrictions in respect of the import and export of its publications.

Section 24. Any materials, articles or goods imported or purchased locally by or on behalf of the UNOMSA in connection with the discharge of its functions in terms of its mandate and of this Agreement, shall be exempt from all customs and excise duties, prohibitions or restrictions. To the end that importation, clearance and exportation may be effected with the least possible delay, a mutually satisfactory procedure, including documentation, shall be agreed between the UNOMSA and the Government.

UNOMSA Officials

Section 25. UNOMSA officials shall be exempt from taxation on the pay and emoluments paid to them by the UNOMSA, and, for the international staff, on any income received from outside South Africa.

Section 26. UNOMSA officials, excluding those who are recruited locally, shall be accorded the same privileges in respect of foreign exchange facilities as are accorded to diplomatic envoys in South Africa.

Section 27. UNOMSA officials, excluding those who are recruited locally, shall be exempt from all other national, regional or municipal dues and taxes, whether direct or indirect, except:

- (a) dues and taxes on property that is privately-owned and situated in South Africa;
- (b) dues and taxes on private income having its sources in South Africa and capital taxes made on investments made in commercial undertakings in South Africa;
- (c) charges levied for specific services rendered;
- (d) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property which is privately held;
- (e) estate, succession or inheritance duties levied in respect of immovable property acquired in South Africa.

ARTICLE X. COMMUNICATION FACILITIES

Section 28. UNOMSA shall enjoy, in respect of its official communications, treatment not less favourable than that accorded by the Government to any other Government including its diplomatic missions or to other intergovernmental, international organizations in matter of priorities, tariffs and charges on mail, cablegrams, telephotos, telephone, telegraph, telex and other communications, as well as rates for information to the press and radio.

Section 29. The Government shall secure the inviolability of the official communications and correspondence of UNOMSA and shall not apply any censorship to its communications and correspondence. Such inviolability, without limitation by reason of this enumeration, shall extend to publications, photographs, slides, films and sound recordings.

Section 30. UNOMSA shall have the right to use codes and to despatch and receive correspondence and other materials by courier or in sealed bags which shall have the same privileges and immunities as diplomatic couriers and bags.

Section 31. UNOMSA shall have the right to erect and operate radio and telecommunications equipment, on UN-registered

frequencies which have been coordinated with the Government and on frequencies assigned by the Government, between its offices, within and outside South Africa, and in particular with United Nations Headquarters in New York; provided that this right shall not, without the consent of the Government, extend to point to point radio communication between fixed points in South Africa where a suitable terrestrial telephone infrastructure already exists.

ARTICLE XI. UNOMSA PERSONNEL

Section 32. The Secretary-General may assign to UNOMSA offices established in South Africa such officials, experts and other personnel in such a manner and in such numbers as he in consultation with the Government deems necessary for the effective discharge of UNOMSA's functions.

Head of Mission

Section 33. The Head of Mission, the Deputy Head of Mission and other senior officials as may be agreed between the UNOMSA and the Government, shall enjoy, while in South Africa, in respect of themselves, their spouses and dependent relatives, the privileges and immunities, exemptions and facilities as are normally accorded to diplomatic envoys in terms of South African law, including, but not limited to, the privileges and immunities enumerated in Annexure A of this Agreement. For this purpose, the Ministry of Foreign Affairs shall include their names in the Diplomatic List.

Officials

Section 34. UNOMSA officials, other than the Head of Mission, Deputy Head of Mission and other senior officials, assigned to South Africa and whose names are for that purpose notified to the Government by the Head of Mission, shall be considered as officials within the meaning of section 17 of the Convention.

Section 35. UNOMSA officials, other than the Head of Mission, Deputy Head of Mission and other senior officials, while in South Africa shall enjoy such facilities, privileges and immunities necessary for the independent exercise of their functions, including, but not limited to, the privileges and immunities enumerated in Annexure B of this Agreement.

Experts on Mission

Section 36. Persons other than officials, assigned to South Africa and whose names for that purpose are notified to the Government by the Head of Mission, shall be considered as experts on mission within the meaning of section 22 of the Convention.

Section 37. All experts on mission, while in South Africa, shall enjoy such facilities, privileges and immunities enumerated in Annexure C of this Agreement.

Persons performing services on behalf of UNOMSA

Section 38. Except as the parties may otherwise agree, the Government shall grant to all persons performing services on behalf of the UNOMSA, other than South African nationals employed locally, such facilities, privileges and immunities necessary for the independent exercise of their functions, including, but not limited to, the privileges and immunities enumerated in Annexure D of this Agreement.

Locally-recruited personnel

Section 39. The UNOMSA may recruit locally in South Africa such personnel as it requires. The Government undertakes, upon the request of the Head of Mission, to assist the UNOMSA in the recruitment of such personnel. The terms and conditions of employment for locally-recruited personnel shall be prescribed by the UNOMSA in accordance with UN Staff Rules, Regulations and Administrative Instructions.

Section 40. Persons recruited locally and assigned to hourly rates to perform services for the UNOMSA shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity.

ARTICLE XII. ENTRY, RESIDENCE, DEPARTURE AND TRAVEL DOCUMENTS

Section 41. The Head of Mission, Deputy Head of Mission and other international personnel shall, whenever so required by the Head of Mission, have the right to enter into, reside in and depart from South Africa at agreed points of entry and exit. UN Laissez-Passers, held by the UNOMSA staff, shall be accepted as valid travel/identification documents by the Government and holders of such documents shall be granted facilities for speedy travel to, through and from South Africa as promptly as possible free of charge.

ARTICLE XIII. NOTIFICATION

Section 42. The Head of Mission shall notify the Government of the names and categories of UNOMSA officials, experts on mission and persons performing services on behalf of the UNOMSA, and of any change in the status of such personnel.

ARTICLE XIV. IDENTIFICATION

Section 43. The Government shall, at the request of the Head of Mission, issue to each UNOMSA official, as soon as possible after such official's assignment to South Africa, as well as to all locally-recruited personnel, other than those who are locally-recruited and are assigned to hourly rates, the appropriate certificates of identity. The Government also undertakes to recognize identity cards issued by UNOMSA to its officials and staff.

Section 44. UNOMSA personnel, including locally-recruited personnel, shall be required to present, but not to surrender, their certificates of identity upon demand of an authorized official of the Government.

Section 45. The UNOMSA shall, upon the termination of employment or reassignment from South Africa of UNOMSA personnel, ensure that their certificates of identity are returned promptly to the Government.

ARTICLE XV. DECEASED STAFF MEMBERS

Section 46. The Head of Mission shall have the right to take charge of and to remove the body of a member of international personnel of the UNOMSA who dies in South Africa, in accordance with the applicable United Nations procedures; it is understood that in the exercise of this right due consideration shall be taken of the relevant judicial requirements in force in South Africa.

Section 47. The Head of Mission will also have the right to remove from South Africa the personal property of the deceased staff member. The Government shall not levy national, regional and municipal estate, succession or inheritance duties, and duties on transfers, on movable property the presence of which was due solely to the presence in South Africa of the deceased as a member of UNOMSA personnel.

ARTICLE XVI. WAIVER OF IMMUNITY

Section 48. Privileges and immunities are granted to UNOMSA personnel in the interests of the United Nations and not for the personal benefit of the individuals concerned. Accordingly, the Secretary-General of the United Nations may waive the immunity of any of the UNOMSA personnel where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

ARTICLE XVII. SETTLEMENT OF DISPUTES

Section 49. Any dispute between the UNOMSA and the Government arising out of or relating to this Agreement shall be settled amicably by negotiation or other agreed mode of settlement, failing which such dispute shall be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the chairman. If within thirty days of the request for arbitration either Party has not appointed an arbitrator or if within fifteen days of the appointment of two arbitrators the third arbitrator has not been appointed, either Party may request the President of the International Court of Justice to appoint the third arbitrator. All decisions of the arbitrators shall require a vote of two of them. The procedure of the arbitration shall be fixed by the arbitrators, and the

expenses of the arbitration shall be borne by the Parties as assessed by the arbitrators. The arbitral award shall contain a statement of the reasons on which it is based and shall be accepted by the Parties as the final adjudication of the dispute.

Section 50. Disputes concerning the terms of employment and conditions of service of locally-recruited personnel shall be settled through the relevant United Nations administrative procedures.

ARTICLE XVIII. GENERAL PROVISIONS

Section 51. Any relevant matter for which no provision is made in this Agreement shall be settled by the Parties through consultations. Each Party shall give full and sympathetic consideration to any proposal advanced by the other Party under this paragraph.

Section 52. The UNOMSA and the Government may conclude supplementary agreement(s) which shall constitute an integral part of this Agreement.

Section 53. Consultations with a view to amending this Agreement may be held at the request of either Party. Amendments shall be made by joint written agreement.

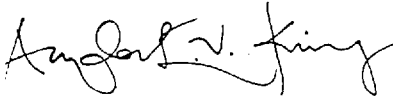
Section 54. This Agreement shall be deemed to have entered into force on 13 September 1992. It shall remain in force for as long as the Security Council, under resolution 772 remains seized of the matter. Upon the formal cessation of its activities in South Africa, UNOMSA shall be granted a reasonable period of time to wind up its activities and to dispose of any of its property or equipment held in South Africa.

Section 55. This Agreement shall supersede the applicability of the proclamation, granting immunities and privileges to the international observers present in South Africa in terms of resolution 772, to the UNOMSA.

IN WITNESS WHEREOF, the undersigned, being duly appointed representatives of the United Nations Secretary-General and the Government of the Republic of South Africa, respectively, have on behalf of the Parties signed this Agreement, in the English language.

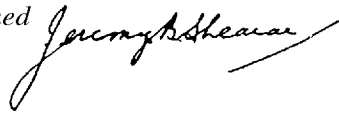
Done at Pretoria this 14th day of December 1993.

For the United Nations
Secretary-General:



ANGELA KING
Head of Mission

For the Government
of the Republic of South Africa:

Signed 

Deputy Director-General

¹ Jeremy B. Shearar.

**ANNEXURE A: PRIVILEGES AND IMMUNITIES FOR HEAD OF MISSION,
DEPUTY HEAD OF MISSION AND OTHER SENIOR OFFICIALS**

The Head of Mission, the Deputy Head of Mission and other senior officials of UNOMSA shall:

- (a) Be immune from personal arrest or detention;
- (b) Enjoy inviolability for all papers and documents, including computerized documentation;
- (c) Be permitted, for the purpose of their official communications, to use codes and to receive papers and correspondence by courier or sealed in bags;
- (d) Be accorded the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (e) Be accorded the same immunities and facilities, including immunity from inspection and seizure of their official baggage, as are accorded to diplomatic envoys;
- (f) Be immune from any military service obligations or any other obligatory services;
- (g) Be exempt, with respect to themselves, their spouses, their dependent relatives and other members of their households from immigration restrictions and alien registration;
- (h) Be exempt from taxation in respect of salaries and all other remuneration paid to them by the UNOMSA;
- (i) Enjoy exemption from any form of taxation on income derived by them from sources outside South Africa;
- (j) Be accorded prompt clearance and issuance, without costs, of visas, licenses or permits, if required;
- (k) Be permitted free movement to, within or from South Africa to the extent necessary for the carrying out of UNOMSA tasks;
- (l) Be permitted to hold or maintain within South Africa, foreign exchange, foreign currency accounts and moveable property and the right upon termination of employment with UNOMSA to take out of the host country their funds for the lawful possession of which they can show good cause;
- (m) Be accorded the same protection and repatriation facilities with respect to themselves, their spouses and dependent relatives and other members of their

households as are accorded in time of international crises or national emergencies to diplomatic envoys;

- (n) Be permitted to import for personal use, free of duty and other levies, prohibitions or restrictions on imports:

(i) their furniture and personal effects including one automobile in one or more shipments, according to the regulations applicable in South Africa to diplomatic representatives accredited in South Africa and/or resident members of international organizations;

(ii) reasonable quantities of certain articles for personal use or consumption and not for gift or sale.

**ANNEXURE B: PRIVILEGES AND IMMUNITIES OF UNOMSA OFFICIALS
OTHER THAN HEAD OF MISSION, DEPUTY HEAD OF MISSION
AND OTHER SENIOR OFFICIALS**

Officials of the UNOMSA, other than Head of Mission, Deputy Head of Mission and other senior officials, shall:

- (a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity, such immunity to continue even after termination of employment with the UNOMSA;
- (b) Be accorded the same immunities and facilities, in respect of their official baggage, as are accorded to diplomatic envoys;
- (c) Be immune from any military service obligations or any other obligatory services;
- (d) Be exempt, with respect to themselves, their spouses, their dependent relatives and other members of their households from immigration restrictions and alien registration;
- (e) Be exempt from taxation in respect of salaries and all other remuneration paid to them by the UNOMSA;
- (f) Enjoy exemption from any form of taxation on income derived by them from sources outside South Africa;
- (g) Be accorded prompt clearance and issuance, without costs, of visas, licenses or permits, if required;
- (h) Be permitted free movement to, within or from South Africa to the extent necessary for the carrying out of UNOMSA tasks;
- (i) Be accorded the same protection and repatriation facilities with respect to themselves, their spouses and dependent relatives and other members of their households as are accorded in time of international crises or national emergencies to diplomatic envoys;
- (j) Be permitted to hold or maintain within South Africa, foreign exchange, foreign currency accounts and moveable property and the right upon termination of employment with UNOMSA to take out of the host country their funds, for the lawful possession of which they can show good cause.
- (k) Be permitted to import for personal use, free of duty and other levies, prohibitions or restrictions on imports, their furniture and personal effects including one automobile in one shipment.

ANNEXURE C: PRIVILEGES AND IMMUNITIES FOR EXPERTS ON MISSION

Experts on mission for the UNOMSA shall:

- (a) Be immune from personal arrest or detention;
- (b) Be immune from legal process in respect of words spoken or written and acts done by them in the course of the performance of their mission for the UNOMSA;
- (c) Enjoy inviolability for all papers and documents, including computerized documentation;
- (d) Be permitted, for the purpose of their official communications, to use codes and to receive papers and correspondence by courier or sealed in bags;
- (e) Be accorded the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) Be accorded the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

ANNEXURE D: PRIVILEGES AND IMMUNITIES OF PERSONS PERFORMING SERVICES ON BEHALF OF THE UNOMSA

Persons performing services on behalf of the UNOMSA shall:

- (a) Be immune from legal process in respect of words spoken or written and acts done by them in the course of the performance of their mission for the UNOMSA;
 - (b) Be immune from any military service obligations or any other obligatory services;
 - (c) Be exempt, with respect to themselves, their spouses their dependent relatives and other members of their households from immigration restrictions and alien registration;
 - (d) Be exempt from taxation in respect of salaries and all other remuneration paid to them by the UNOMSA;
 - (e) Be accorded prompt clearance and issuance, without cost, of visas, licenses or permits, if required;
 - (f) Be permitted free movement to, within or from South Africa to the extent necessary for the carrying out of UNOMSA tasks;
 - (g) Be accorded the same privileges in respect of exchange facilities as are accorded to the comparable persons of diplomatic missions in South Africa;
 - (h) Be given the same protection facilities with respect to themselves, their spouses and dependent relatives and other members of their households as are accorded in time of international crises or national emergencies to diplomatic envoys.
-