

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF  
SOUTH AFRICA AND THE UNITED NATIONS HIGH COMMISSIONER  
FOR REFUGEES (UNHCR) GOVERNING THE LEGAL STATUS,  
PRIVILEGES AND IMMUNITIES OF THE UNHCR OFFICE AND ITS  
PERSONNEL IN SOUTH AFRICA

PREAMBLE

WHEREAS the Government of the Republic of South Africa (hereinafter referred to as "the Government") has invited the United Nations High Commissioner for Refugees (hereinafter referred to as "the UNHCR") to establish and maintain an office in South Africa in order to assist in facilitating the process of the voluntary repatriation and reintegration of South African returnees who elect to return home as civilians;

WHEREAS the UNHCR has accepted the invitation to establish an office in South Africa for that purpose;

WHEREAS the parties hereto in a Memorandum of Understanding dated 4 September 1991 agreed to conclude these presents to govern the legal status, privileges and immunities of the UNHCR office and its personnel in South Africa;

WHEREAS the Government has agreed to extend to the UNHCR and its personnel in South Africa certain privileges and immunities embodied in the 1946 Convention on the Privileges and Immunities of the United Nations and such other privileges and immunities as are generally extended to diplomatic missions, their premises and personnel;

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WHEREAS it is recognised by the parties hereto that nothing contained in this Agreement or which may be done on the basis thereof shall be construed as constituting recognition in any way, on the part of the UNHCR, of any state of affairs not recognised by the United Nations or as constituting a derogation from any relevant United Nations' resolutions.

Hereby agree as follows:

ARTICLE I. DEFINITIONS

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

- (a) UNHCR means the United Nations High Commissioner for Refugees established pursuant to the United Nations General Assembly Resolution 319 (IV) of 3 December 1949;
- (b) High Commissioner means the person for the time being appointed by the United Nations General Assembly to serve as the Chief Executive of the UNHCR or the officials to whom the High Commissioner has delegated authority to act on her behalf;
- (c) 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;
- (d) South Africa means the Republic of South Africa;

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- (e) Government means the Government of the Republic of South Africa as well as all competent local authorities;
- (f) Memorandum means the Memorandum of Understanding entered into between the Government and the UNHCR on 4 September 1991;
- (g) Returnee means any South African refugee and/or political exile who return(s) voluntarily to South Africa as an unarmed civilian under the terms and arrangements of the Memorandum of Understanding;
- (h) Implementing partner(s) means a governmental, inter-governmental or non-governmental counterpart to which implementation is delegated by the UNHCR through a project agreement;
- (i) UNHCR premises means all the offices, sub-offices, field offices, installations and facilities made available to or occupied, maintained or used by the UNHCR in South Africa and notified as such to the Government;
- (j) Chief of Mission means the UNHCR official in charge of the UNHCR office in South Africa;
- (k) UNHCR officials means all members of the staff of the UNHCR employed under the Staff Regulations of the United Nations, with the exception of those who are recruited locally and assigned to hourly rates;
- (l) Persons performing services on behalf of the UNHCR means natural and juridical persons and their employees, other than nationals of the host country,

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retained by the UNHCR to execute or assist in the carrying out of its programmes;

- (m) Experts on mission means individuals, other than UNHCR officials or persons performing services on behalf of the UNHCR, undertaking missions for the UNHCR;
- (n) UNHCR personnel means UNHCR officials, experts on mission and persons performing services on behalf of the UNHCR.

## ARTICLE II. PURPOSE AND SCOPE OF THIS AGREEMENT

Section 2. This Agreement embodies the basic conditions under which the UNHCR shall, within the terms of its mandate, and in co-operation with the Government, open office in South Africa, and carry out its mandated functions in favour of returnees in accordance with the provisions of the Memorandum.

## ARTICLE III. APPLICATION OF THE CONVENTION

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

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**ARTICLE IV. STATUS OF UNHCR OFFICE****Presence**

Section 4. The UNHCR shall establish and maintain an office in South Africa for the purpose of discharging its functions in terms of the Memorandum and of its mandate.

Section 5. UNHCR personnel, in keeping with the Statute and mandate of the Office, shall perform their functions in a strictly humanitarian, neutral and non-partisan manner.

Section 6. The Government undertakes to respect the exclusively international nature and humanitarian character of the UNHCR. The Government shall at all times grant UNHCR personnel unimpeded access to returnees in order to monitor their return to places of origin or choice, including their safety and physical well-being, and to the sites of the UNHCR-assisted projects in order to monitor all phases of their implementation.

Section 7. The UNHCR shall exercise its mandated functions, itself or through an implementing partner, including liaising with concerned governmental, inter-governmental and non-governmental organisations functioning in South Africa.

**United Nations flag, emblem and markings**

Section 8. The UNHCR shall display the United Nations flag, and/or emblem at or on its office premises, official vehicles and otherwise as agreed to between the UNHCR and the Government. Vehicles, vessels and aircraft of the UNHCR

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shall carry a distinctive United Nations emblem or marking, which shall be timeously notified to the Government.

ARTICLE V. FACILITIES FOR UNHCR

Section 9. The Government, in agreement with the UNHCR, shall take such measures as may be appropriate to enable the UNHCR to discharge its functions in South Africa speedily and effectively. Such measures shall include the authorisation to operate UNHCR radio and other telecommunications equipment which meets internationally accepted standards; and in respect of state-owned airports, the granting of air traffic rights and the exemption from airport charges (landing, parking and passenger fees) and royalties for all charter flights and cargo flights involved in the transportation of returnees and their personal or communal property, personnel of the UNHCR and its implementing partners, and goods required for the implementation of the repatriation operation.

Section 10. The UNHCR may use roads, bridges, canals and other waterways and port facilities without the payment of dues, tolls or charges other than charges for services rendered.

Section 11. It is understood, however, that where it is not feasible for the UNHCR to obtain direct exemptions from payment of fees, tolls, royalties and other forms of charges, arrangements may be made whereby the Government can reimburse the UNHCR for payments made in that regard.

Section 12. The Government undertakes to assist the UNHCR, as far as possible, in obtaining and making available where

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applicable, appropriate office premises, water, electricity and other facilities required at rates, dues or charges not less favourable than those charged to comparable consumers or users, 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 UNHCR as to essential Government services. Any amounts due by the UNHCR in this regard shall be settled on a basis to be agreed with the Government. The UNHCR shall be responsible for the maintenance and upkeep of facilities so provided.

Section 13. The Government shall take all the necessary measures, as may be agreed, to ensure the security and protection of the UNHCR premises, the inviolability of its archives and the safety of UNHCR personnel.

Section 14. The Government shall facilitate the locating and provision of suitable housing accommodation for UNHCR personnel recruited internationally.

Section 15. The Government shall assist the UNHCR as far as possible in obtaining equipment, provisions, supplies and other 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 16. The UNHCR and its personnel shall enjoy, together with its vehicles, vessels, aircraft and equipment, freedom of movement within South Africa. The High Commissioner shall consult in advance with the Government with respect to large movements of personnel, stores or

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vehicles through airports or on railways or roads used for general traffic within South Africa. The Government undertakes to supply the UNHCR, where necessary, with maps and other information that may be useful in facilitating its movements.

#### ARTICLE VII. PRIVILEGES AND IMMUNITIES

Section 17. The Government shall extend to the UNHCR, its premises, property, funds and assets, and to UNHCR 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 UNHCR and its personnel such additional privileges and immunities as may be necessary for the effective exercise of its mandated functions.

#### ARTICLE VIII. UNHCR PROPERTY, FUNDS, AND ASSETS

Section 18. The UNHCR premises, property, funds and assets, wherever located and by whomsoever 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 19. The UNHCR premises shall be inviolable. The property, funds and assets of the UNHCR, 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.

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Section 20. The archives of the UNHCR, including all the papers, documents, correspondence, books, films, tapes, registers, databases and computerised documentation belonging to or held by it, shall be inviolable.

Section 21. No restriction will be placed on the UNHCR 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 UNHCR as are made available to all foreign embassy bank accounts in South Africa.

Section 22. The UNHCR shall buy and sell foreign exchange at the commercial rand rate of exchange as quoted by the authorized dealers in South Africa.

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

**UNHCR Office**

Section 23. The UNHCR 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 UNHCR from excise duties, sales tax and value added tax, and from taxes on the sale or purchase by the UNHCR of movable and immovable property in South Africa. The UNHCR 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

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Section 24. The UNHCR, its assets, income and other property shall be exempt from:

- a) All direct and indirect taxes, provided that the UNHCR will not be entitled to exemptions for charges for public utility services;
- b) Customs duties, prohibitions or restrictions on articles imported or exported by the UNHCR or its inter-governmental implementing partner(s) for their official use provided that the articles imported under such exemption will not be sold 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 25. Any materials, articles or goods imported or purchased locally by the UNHCR, on its own behalf or on the behalf of its implementing partner(s), in connection with the discharge of its functions in terms of the Memorandum, 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 UNHCR and the Government.

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**UNHCR Officials**

Section 26. UNHCR officials, excluding those who are South African nationals and are recruited locally, shall be exempt from taxations on the pay and emoluments paid to them by the UNHCR, and, for the international staff, on any income received from outside South Africa.

Section 27. UNHCR officials, excluding those who are recruited locally, shall be accorded the same privileges in respect of exchange facilities as are accorded to diplomatic envoys in South Africa.

Section 28. UNHCR 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 source 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.

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ARTICLE X. COMMUNICATION FACILITIES

Section 29. The UNHCR 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 inter-governmental/international organisations in matters 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 30. The Government shall secure the inviolability of the official communications and correspondence of the UNHCR 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 31. The UNHCR shall have the right to use codes and to dispatch 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 32. The UNHCR shall have the right to erect and operate radio and other telecommunications equipment, on UN registered frequencies which have been co-ordinated with the Government and on frequencies allocated by the Government, between its offices, within and outside South Africa, and in particular with the UNHCR Headquarters in Geneva; provided that this right shall not, without the consent of the Government, extend to point to point radio communication

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between fixed points in South Africa where a suitable terrestrial telephone infrastructure already exists.

ARTICLE XI. UNHCR PERSONNEL

Section 33. The UNHCR may assign to its offices established in South Africa such officials, experts and other personnel as the UNHCR deems necessary for the effective discharge of its mandated humanitarian functions.

**Chief of Mission**

Section 34. The Chief of Mission, the Deputy Chief of Mission and other senior officials as may be agreed between the UNHCR 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 35. UNHCR officials, other than the Chief of Mission, Deputy Chief of Mission and other senior officials, assigned to South Africa and whose names are for that purpose notified to the Government by the High Commissioner, shall be considered as officials within the meaning of section 17 of the Convention.

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Section 36. UNHCR officials, other than the Chief of Mission, Deputy Chief 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 37. Persons other than officials, assigned to South Africa and whose names for that purpose are notified to the Government by the High Commissioner, shall be considered as experts on mission within the meaning of section 22 of the Convention.

Section 38. All experts on mission, 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 C of this Agreement.

#### **Persons performing services on behalf of the UNHCR**

Section 39. Except as the parties may otherwise agree, the Government shall grant to all persons performing services on behalf of the UNHCR, 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.

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### Locally recruited personnel

Section 40. The UNHCR may recruit locally in South Africa such personnel as it requires. The Government undertakes, upon the request of the High Commissioner, to assist the UNHCR in the recruitment of such personnel. The terms and conditions of employment for locally recruited personnel shall be prescribed by the UNHCR in accordance with UN Staff Rules, Regulations and Administrative Instructions.

Section 41. Persons recruited locally and assigned to hourly rates to perform services for the UNHCR 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 42. The Chief of Mission, Deputy Chief of Mission and other international personnel shall, whenever so required by the High Commissioner, have the right to enter into, reside in and depart from South Africa from agreed points of entry and exit. UN Laissez-Passers, held by the UNHCR 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.

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ARTICLE XIII. NOTIFICATION

Section 43. The High Commissioner shall notify the Government of the names and categories of UNHCR officials, experts on mission and persons performing services on behalf of the UNHCR, and of any change in the status of such personnel.

ARTICLE XIV. IDENTIFICATION

Section 44. The Government shall, at the request of the High Commissioner, issue to each UNHCR 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.

Section 45. UNHCR personnel, including locally recruited personnel, shall be required to present, but not to surrender, their certificates of identity upon demand of an authorised official of the Government.

Section 46. The UNHCR shall, upon the termination of employment or reassignment from South Africa of UNHCR personnel, ensure that their certificates of identity are returned promptly to the Government.

ARTICLE XV. DECEASED STAFF MEMBERS

Section 47. The High Commissioner shall have the right to take charge of and to remove the body of a member of international personnel of the UNHCR who dies in South Africa, in accordance with the applicable United Nations

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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 48. The High Commissioner 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 or 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 UNHCR personnel.

ARTICLE XVI. WAIVER OF IMMUNITY

Section 49. Privileges and immunities are granted to UNHCR 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 UNHCR 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 50. Any dispute between the UNHCR 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.

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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 51. 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 52. 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 53. The UNHCR and the Government may conclude supplementary agreement(s) which shall constitute an integral part of this Agreement.

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Section 54. 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 55. This Agreement shall enter into force upon signature by the duly authorised Representatives of the Government and the UNHCR and shall remain in force for as long as the Memorandum remains in effect, except as regards the normal cessation of the activities of the UNHCR and the disposal of its property in South Africa.

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

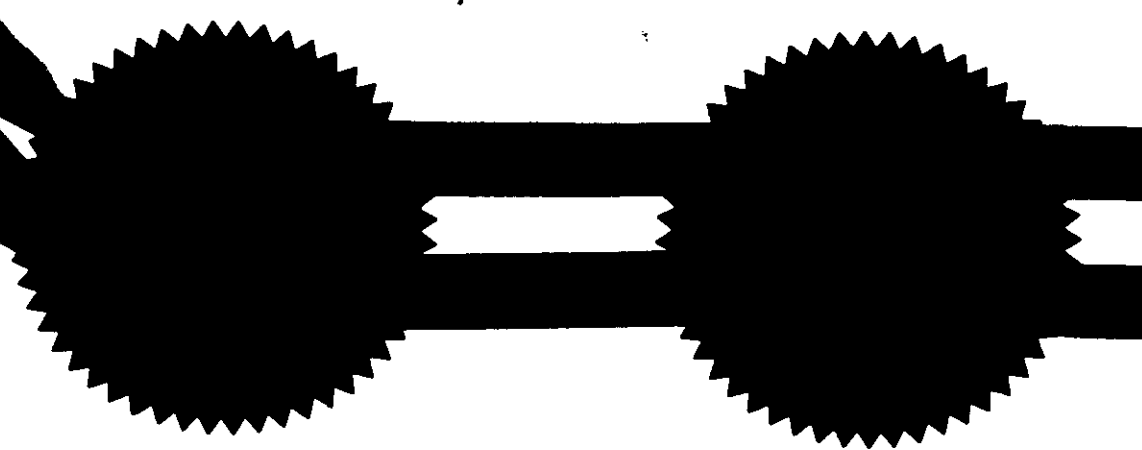
Done at ..... *Geneva* ..... this ..... *2nd* ..... day of  
..... *October* ..... 1991.

For the Government of the  
Republic of South Africa

The United Nations  
High Commissioner for  
Refugees

Signed ..... *A. P. M. M. M. M.* .....

Signed ..... *Sadako Ogata* .....



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

The Chief of Mission, the Deputy Chief of Mission and other senior officials of the UNHCR 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 UNHCR;
- (i) Enjoy exemption from any form of taxation on income derived by them from sources outside South Africa;
- (j) Be accorded prompt clearance and issuances, without cost, 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 UNHCR international protection and humanitarian assistance programmes;
- (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 the UNHCR to take out of the host country their funds for the lawful possession of which they can show good cause;

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- (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 in one or more shipments and thereafter to import necessary additions to the same, including automobiles, according to the regulations applicable in South Africa to diplomatic representatives accredited in South Africa and/or resident members of international organisations;
  - (ii) reasonable quantities of certain articles for personal use or consumption and not for gift or sale.

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ANNEXURE B : PRIVILEGES AND IMMUNITIES OF UNHCR OFFICIALS  
OTHER THAN CHIEF OF MISSION, DEPUTY CHIEF OF MISSION AND  
OTHER SENIOR OFFICIALS

Officials of the UNHCR, other than Chief of Mission, Deputy Chief 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 UNHCR;
- (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 UNHCR;
- (f) Enjoy exemption from any form of taxation on income derived by them from sources outside South Africa;
- (g) Be accorded prompt clearance and issuances, without cost, of visas, licenses or permits, if required;
- (h) Be permitted free movement within, to or from the country to the extent necessary for the carrying out of UNHCR international protection and humanitarian assistance programmes;
- (i) Be permitted to hold or maintain within the country, foreign exchange, foreign currency accounts and moveable property and the right upon termination of employment with the UNHCR to take out of South Africa their funds for the lawful possession of which they can show good cause;
- (j) 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;
- (k) Be permitted to import for personal use, free of duty and other levies, prohibitions or restrictions on imports:

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- (i) their furniture and personal effects in one more shipments and thereafter to import necessary additions to the same, including automobiles according to the regulations applicable in South Africa to diplomatic representatives accredited to South Africa and/or resident members of international organisations;
- (ii) reasonable quantities of certain articles for personal use or consumption and not for gift sale.

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ANNEXURE C : PRIVILEGES AND IMMUNITIES FOR EXPERTS ON MISSION

Experts on mission for the UNHCR 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 UNHCR;
- (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.

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ANNEXURE D : PRIVILEGE AND IMMUNITIES OF PERSONS PERFORMING SERVICES ON BEHALF OF THE UNHCR.

Persons performing services on behalf of the UNHCR 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 UNHCR;
- (b) Be immune from any military service obligations or any other obligatory services;
- (c) Be immune, with respect to themselves, their spouse and dependent relatives and other members of their households, from immigration restrictions and all registration requirements;
- (d) Be exempt from taxation in respect of salaries and any other remuneration paid to them by the UNHCR;
- (e) Be accorded prompt clearance and issuance, without cost, of visas, licenses or permits necessary for the effective exercise of their functions;
- (f) Be permitted free movement within, to or from their country, to the extent necessary for the implementation of the UNHCR humanitarian programmes;
- (g) Be accorded the same privileges in respect of exchange facilities as are accorded to the comparable persons in diplomatic missions in South Africa;
- (h) Be given the same protection and repatriation facilities with respect to themselves, their spouse and dependent relatives and other members of their households as are accorded in time of international crises or national emergencies to diplomatic envoys.

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