

**No. 44843\***

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**United Nations (United Nations Development Programme)  
and  
South Africa**

**Agreement between the Government of the Republic of South Africa and the United Nations Development Programme on establishing a service centre in South Africa. New York, 1 October 2007**

**Entry into force:** *1 October 2007 by signature, in accordance with section 28*

**Authentic texts:** *English*

**Registration with the Secretariat of the United Nations:** *ex officio, 19 March 2008*

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**Organisation des Nations Unies (Programme des Nations  
Unies pour le développement)  
et  
Afrique du Sud**

**Accord entre le Gouvernement de la République d'Afrique du Sud et le Programme des Nations Unies pour le développement relatif à l'établissement d'un centre de service en Afrique du Sud. New York, 1 octobre 2007**

**Entrée en vigueur :** *1er octobre 2007 par signature, conformément à la section 28*

**Textes authentiques :** *anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *d'office, 19 mars 2008*

\* *The texts reproduced below are the original texts of the agreement as submitted. For ease of reference, they were sequentially paginated. Their final UNTS version is not yet available.*

*Les textes reproduit ci-dessous sont les textes authentiques de l'accord tel que soumises pour l'enregistrement. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Leur version finale RTNU n'est pas encore disponible.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

Agreement between the Government of the Republic of South Africa and the United Nations Development Programme on establishing a service centre in South Africa

***Preamble***

The Government of the Republic of South Africa (hereinafter referred to as “the Government”) and the United Nations Development Programme (hereinafter referred to as “UNDP”),

**RECALLING** the decision made by the UNDP on the desirability to establish a Service Centre for Eastern and Southern Africa,

**RECOGNIZING** that the Government welcomes the establishment of such a Service Centre within the Republic of South Africa,

**RECOGNIZING** the benefits of establishing a Service Centre within the Republic of South Africa, to serve Eastern and Southern Africa,

**RECALLING** the applicability to UNDP of the Convention of the Privileges and Immunities of the United Nations, adopted by the United Nations General Assembly on 13 February 1946, and acceded to by the Government on 30 August 2002,

**RECALLING** the applicability to UNDP of the Basic Agreement concluded between the Government and UNDP on 3 October 1994 concerning UNDP’s assistance to the Government in the area of technical cooperation and development,

**RECOGNIZING** that the activities of the UNDP–Service Centre are focused primarily on service of UNDP operations outside of the Host Country, including for the management and support of regional programmatic activities, and

**ACKNOWLEDGING** that occasionally the UNDP–Service Centre will be called upon to support UNDP activities within the framework of the UNDP Country Programme in the Host Country;

**HEREBY AGREE** as follows:

**ARTICLE I**  
***Definitions***

***Section 1***

In this Agreement the expressions:

- a) “accredited foreign Mission in the Host Country” means diplomatic and consular missions and missions of international organisations based in the Republic of South Africa
- b) “Administrator” means the Administrator of the UNDP;

- c) "appropriate authorities" means such national or local government authorities under the laws and regulations of the Republic of South Africa as may be responsible in the context of, and in accordance with, the laws and customs applicable in the Republic of South Africa;
- d) "archives of the UNDP-SC" means all records, correspondence, documents, manuscripts, computer records, still and motion pictures, films and sound recordings, belonging to or held by UNDP-SC in furtherance of its functions;
- e) "the Convention" means the Convention on the Privileges and Immunities of the United Nations adopted by the United Nations General Assembly on 13 February 1946;
- f) "the Director of the UNDP-SC" means the head of the UNDP-SC in the Republic of South Africa;
- g) "the Host Country" means the Republic of South Africa;
- h) "officials of the UNDP-SC" means the Director of the UNDP-SC and all staff assigned to the UNDP-SC, irrespective of nationality, with the exception of those who are locally recruited and assigned to hourly rates as provided for in United Nations General Assembly resolution 76(1) of 7 December 1946;
- i) "the Parties" means the Government and UNDP;
- j) "premises of the UNDP-SC" means the facilities in the Republic of South Africa used for conducting functions by the UNDP-SC;
- k) "property of UNDP-SC" means all property, including funds, income and other assets belonging to the UNDP-SC or held or administered by UNDP-SC in furtherance of the functions of the UNDP-SC;
- l) "Secretary-General" means the Secretary-General of the United Nations;
- m) "Service contractors" means individuals who are engaged under service contracts in their personal capacity not as representatives of a government nor of any other authority external to the United Nations. They are neither staff members under the Staff Regulations and Rules of UNDP nor officials for the purposes of the Convention.
- n) "telecommunications" means any emission, transmission or reception of written or verbal information, images, sound or information of any nature by wire, radio, satellite, optical fibre or any other electronic or electromagnetic means;
- o) "UNDP Country Programme" means the activities undertaken by UNDP in the Host Country within the framework of the 1994 Agreement;

- p) "UNDP-SC" means the United Nations Development Programme Service Centre established in the Republic of South Africa to serve Eastern and Southern Africa;
- q) "1994 Agreement" means the Agreement between the United Nations (United Nations Development Programme) and the Republic of South Africa concluded on 3 October 1994.

## **ARTICLE II**

### ***Purpose and Scope of the Agreement***

#### ***Section 2***

- a) This Agreement regulates the status of the UNDP-SC premises, officials and experts in the Host Country. To the extent that the UNDP-SC undertakes functions in support of the UNDP activities within the framework of the UNDP Country Programme in the Host Country, the 1994 Agreement shall apply to these technical and operational activities of the UNDP-SC.
- b) The Government confirms that the treatment afforded to the UNDP-SC and the UNDP shall be equal and the same as afforded to any other accredited foreign mission in the Host Country.

## **ARTICLE III**

### ***Legal Capacity***

#### ***Section 3***

- a) The United Nations, acting through UNDP, shall have the capacity:
  - (i) to contract;
  - (ii) to acquire and dispose of immovable and movable property; and
  - (iii) to institute judicial proceedings.
- b) For the purposes of this Article, UNDP shall be represented by the Director of UNDP-SC.

## **ARTICLE IV**

### ***Inviolability of the UNDP-SC***

#### ***Section 4***

- a) The UNDP-SC shall be inviolable and its property and assets, wherever located and by whosoever held, shall enjoy immunity from every form of legal process, except insofar as in any particular case immunity shall have expressly been

waived in accordance with the Convention. Waiver of immunity from legal process shall not extend to any measure of execution.

b) No officer or official of the Host Country or person exercising any public authority within the Host Country, shall enter the premises of the UNDP-SC to perform any duties therein except with the consent of, and under conditions approved by the Director of the UNDP-SC. In case of a fire or other emergency requiring prompt protection action, the consent of the Director of the UNDP-SC to any necessary entry into the premises shall be presumed if he/she cannot be reached in time.

c) The premises of the UNDP-SC shall not be used in any manner incompatible with the scope and purpose of the UNDP - SC, as set forth in Article II, above, which includes the use of the premises and facilities for meetings, seminars, exhibitions and other related purposes which are organized by the UNDP-SC, the United Nations or other related organizations.

#### ***Section 5***

The Archives of the UNDP-SC, wherever located in the Host Country, shall be inviolable.

### **ARTICLE V** ***Public Services and Security***

#### ***Section 6***

(a) The UNDP-SC shall receive the same level of service delivery by the relevant local authorities of necessary public services and utilities that is provided to any other accredited foreign mission in the Host Country.

(b) The UNDP-SC shall receive the same level of security and protection that is provided to any other accredited foreign mission in the Host Country.

### **ARTICLE VI** ***Exemption from Taxation***

#### ***Section 7***

With respect to all official activities, the UNDP-SC, its assets, income and property shall be exempt from all forms of taxation; however, the UNDP-SC shall not claim exemption from taxes, which are, in fact, no more than charges for public utility services.