

IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION, PIETERMARITZBURG

Case No.:8407/2020P

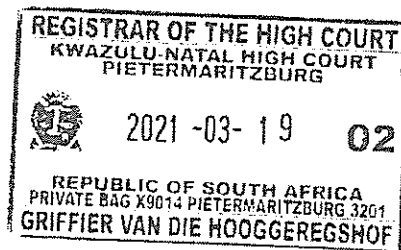
In the matter between:

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Applicant

and

MSUNDUZI LOCAL MUNICIPALITY



First Respondent

**HEAD OF THE DEPARTMENT OF
ECONOMIC DEVELOPMENT,**

**TOURISM AND ENVIRONMENTAL AFFAIRS,
KWAZULU-NATAL PROVINCIAL GOVERNMENT**

Second Respondent

**MEMBER OF THE EXECUTIVE COUNCIL
FOR ECONOMIC DEVELOPMENT,
TOURISM AND ENVIRONMENTAL AFFAIRS,
KWAZULU-NATAL PROVINCIAL GOVERNMENT**

Third Respondent

APPLICANT'S REPLYING AFFIDAVIT

I, the undersigned,

JONAS BEN SIBANYONI

do hereby state under oath as follows:

1. I am an adult male and a part-time Commissioner of the Applicant, namely the **SOUTH AFRICAN HUMAN RIGHTS COMMISSION**, appointed as such in terms of section 193 of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the "Constitution") and section 5 of the South African Human Rights Commission Act 40 of 2013 (hereinafter referred to as the "SAHRC Act"). In this application I refer to the Applicant as such or as the "Commission".
2. I am the same person who deposed to the founding affidavit and remain duly authorised to depose to this affidavit on behalf of the Commission (the Applicant).
3. The facts contained in this affidavit are within my own personal knowledge, unless the contrary is stated or appears from the context, and are true and correct.
4. Where I make submissions of law in this affidavit I do so on the advice of the Commission's legal representatives.

THE PURPOSE OF THIS AFFIDAVIT

5. I have read and had regard to the First Respondent's answering affidavit ("the Municipality") deposed to by Madoda Phumula Kathida dated 14 February 2021 (together with the annexures), as well as the confirmatory affidavits of Sithembiso Wilson Mhlongo and Ganasen Dhavakrishna Naidoo, similarly dated 14 February 2021.

6. I have also had regard to the explanatory affidavit of Kim Lea van Heerden dated 4 February 2021 (together with the annexures thereto), duly supported by the draft confirmatory affidavit of the Third Respondent, the Honourable Ravigasen Ranganathan Pillay.
7. In replying to the Municipality's answering affidavit, I gracefully embrace the explanation given by the Second and Third Respondents in Ms van Heerden's affidavit. It is a useful rendition of the pertinent issues which arise for determination. Accordingly, that exposition provides a proper basis from which this application ought to be assessed. In this regard, it is well to point that the Municipality was invited to deliver any supplementary answering affidavit dealing with recent matter brought to the attention of this Court by the Second and Third Respondents. The Municipality has declined to supplement its answer. The correspondence exchanged between the parties in this regard is annexed hereto marked "JBS31" to "JBS33".
8. I propose to deal with certain central themes which emerge from the answering affidavit deposed to on behalf of the First Respondent, the Municipality.
9. Naturally, this affidavit serves as a composite response to the answering affidavits delivered thus far. As it shall become apparent presently, in responding, I confine myself to the issues raised by the Municipality and deal with such issues thematically. I do so in order to avoid prolixity. This reply is therefore brief.

10. It is accordingly not necessary to traverse the Municipality's answering affidavit paragraph by paragraph. This does not mean that any matter not specifically traversed is admitted. Quite the contrary, such matters are denied if they are inconsistent with what I have stated herein and in the founding affidavit, and are not consistent with the explanatory affidavit thus far filed.

11. Therefore, the structure of this affidavit is as follows:

11.1. Firstly, I make certain general observations about the nature of the Municipality's answering affidavit and illustrate why the opposition is generally misguided.

11.2. Secondly, I deal briefly with the diversionary opposition to urgency. I explain why that opposition is misconceived.

11.3. Thirdly, I address why recent events show persistent non-compliance by the Municipality.

11.4. Fourthly, I address the dilatory point regarding mediation. I demonstrate that in this case such mediation is inappropriate.

11.5. Fifthly, I demonstrate why the matter raises a breach of constitutional rights.

11.6. Sixthly, I point out why the Municipality's contention that the reliefs sought are incompetent is misconceived.

11.7. Finally, I make certain concluding remarks.

GENERAL OBSERVATIONS

12. It is necessary to introduce this reply by making certain prefatory remarks about the nature of the Municipality's opposition to the application.

13. A remarkable feature of the Municipality's response is its overt failure to meaningfully engage with the multiple breaches of the conditions of its Waste Management Licence, which have been ongoing for more than a decade.

14. Rather than dealing specifically with how the Municipality has complied therewith (if they did), the answering affidavit dedicates large portions of its pages and paragraphs to various misguided legal propositions regarding peripheral matters of urgency, incompetence of the relief sought and lack of constitutional breaches (dealt with below), all of which are devoid of and bereft of any legal authority.

15. In fact, on a proper assessment of the answering affidavit as a whole, it is abundantly clear that the Municipality effectively concedes that it has been in consistent and sustained breach of its licence conditions. There is not a single attempt to negate the welter of evidence catalogued in the founding affidavit as well as documented compliance audits produced over time by the Second Respondent, all of which point towards these breaches.



16. It is accordingly clear that the Municipality has embarked on a strategy to avoid the application by raising misguided legal propositions instead of being frank with the Court.

17. I am advised that such conduct deserves sanction from the courts since the Municipality should litigate in good faith and be exemplary in accordance with its constitutional duties set out in sections 165(4) and 195 of the Constitution. This is all the more because the Municipality, as an organ of state, and in terms of section 7(2), has a positive duty to protect constitutional rights which are implicated in this application. In addition, section 152(1) of the Constitution places a duty on the Municipality to give effect to the objects of Local Government, which include the promotion of a safe and healthy environment.¹

18. The following issues have been raised, in our submission, disingenuously. I deal with each of them separately below.

THE MATTER REMAINS URGENT

19. At paragraphs 6 and 7 of the answering affidavit, the Municipality disputes the urgency of the matter.

20. The contestation of urgency is spurious. The application concerns a continuous violation of constitutional rights which has had far reaching consequences for the citizens of Sobantu and Pietermaritzburg. The application also implicates a

¹ Section 152(1)(d) of the Constitution of the Republic of South Africa, 1996.

continuous degradation of the environment by the Municipality (an organ of state) in its sustained mismanagement of the Dump in a manner that violates its Waste Management Licence conditions.

21. The citizens who are bearers of rights to an environment that is not harmful to their health or well-being² are remediless. The citizens are further entitled to the enjoyment of an environment that is protected and free from pollution and degradation.³
22. If the reliefs sought are not granted on an urgent basis, the citizens will have no substantial redress in due course. The Municipality does not proffer any available redress which can assuage the citizens' fears.
23. Accordingly, the urgency of the matter is unquestionable; and the Municipality's contestation thereof does it no honour.
24. The complaint about the truncated timelines provided for the delivery of the answering affidavit has fallen away. This is for the following reasons.
25. The denial of urgency is remarkable given that the Municipality concedes that it has been allowed more than sufficient time to deliver the answering affidavit. It should be borne in mind that the Municipality was given more than a month to deliver their answering affidavit. This was so pursuant to a consent order granted

² Section 24(a) of the Constitution of the Republic of South Africa, 1996.

³ Section 24(b) of the Constitution of the Republic of South Africa, 1996.

by the Court on 11 December 2020, enabling the Municipality time to deliver its answer. The consent order made provision for the Municipality to deliver its answering affidavit on 19 January 2021.

26. The Municipality took its time and failed to deliver the answering affidavit on the date it was ordered to do so (19 January 2021). Instead, the Municipality delivered an answer way out of time on 15 February 2021, without the leave of the Court, and in circumstances where it was compelled to do so under pain of the Court hearing the matter on an unopposed basis⁴ on 15 February 2021.
27. In other words, the Municipality has had the benefit of 42 days to deliver its answering affidavit, a period far more in excess of the period allowed in terms of the Uniform Rules of Court for the delivery of an answering affidavit.
28. There is much to be said about the Municipality's opposition to urgency based on the lapse of time between 20 September 2020 (when the pre-litigation notice was given) and 26 November 2020 (when the application was launched) - a period of two months taken to prepare and launch the application.
29. Firstly, the objection, insofar as it is couched in urgency terms, represents a conceptual flaw: the failure to distinguish between urgency and delay.

⁴ The applicant set the matter down on 25 January 2021, in the absence of an answering affidavit, the Applicant delivered the notice of set down of the matter on 15 February 2021 (See Volume 7; pp 543-545).

30. Secondly, the delay (if it is truly a delay - which the Applicant disputes) is not egregious so as to nullify the urgency. It is self-evident from the many matters dealt with in the founding affidavit that the preparation of the application papers required traversal of a ten-year period of the Municipality's recalcitrant conduct in failing to comply with its licence conditions and regulatory proceedings. Indeed, that traversal involved the Applicant delving deep into the history of the matter, necessitating consideration of numerous documents which form part of the annexures to the founding affidavit. A period of two months therefore does not constitute a long delay which erodes the urgency of the matter. The application was therefore brought with reasonable promptitude soon after the founding affidavit was finalised. It is ironic for the Municipality to complain about delay when it is its conduct - of over ten years - that has resulted in the matter being brought on an urgent basis. The delay point taken by the Municipality is non-starter.

31. Finally, the Municipality disputes the urgency of the matter by asserting that the application has been brought precipitously - without considering updated information relating to the landfill status. It is necessary to deal with this claim separately. I do so below.

RECENT EVENTS SHOW PERSISTENT NON-COMPLIANCE

32. At paragraphs 10, 36, 37, 38, 39, 40 of the answering affidavit, the Municipality maligns the Applicant for failure to disclose and consult recent and/or "immediate

circumstances” before launching the application. The Municipality contends that the application has been overtaken by recent events.

33. The Municipality’s attack is gratuitous. Firstly, because the information which the Municipality claims was not disclosed to this Court was generated after the fact. Secondly, and more importantly, because the information referred to as “recent” was generated by the Municipality as the present litigation was unfolding.
34. In this regard it is necessary to point out that on 14 July 2020 the Applicant requested that the Municipality and the Second Respondent provide all the information in their possession relating to the landfill site.
35. A response from the Municipality was received on 30 July 2020.
36. A response from the Second Respondent was received on 7 September 2020.
37. More importantly, the action plans now produced by the Municipality attached to the answering affidavit as MK8 and MK10⁵ were produced on 15 December 2020 and 5 February 2021, respectively. This was two months after the application was launched.
38. Reliance on these documents is in any event unavailing.

⁵ Answering affidavit: Para 73 and 76.



39. The Second and Third Respondents have since delivered an explanatory affidavit setting out the recent events which animate this application. It would appear from Annexure K to the explanatory affidavit that, as recently as 11 December 2020, the Department issued the Municipality with a warning letter detailing the persistent infractions by the Municipality of its licence conditions. Accordingly, recent events cited by the Department point to the need for this Court's intervention more urgently than before.

40. Contrary to what the Municipality states at paragraph 33, 36, 81 and 157 of the answering affidavit - that "*significant successes and progress in formulating and implementing a remedial action plan have been made*", the explanatory affidavit by the Second and Third Respondents is revealing.

41. At paragraphs 43-44, Ms van Heerden explains that the draft Action Plan produced by the Municipality on 15 December 2020 (Annexure MK8 to the answering affidavit) was neither comprehensive nor acceptable.

41.1. It did not address any of the identified areas of non-compliance.

41.2. It also had no firm timelines by which various measures will be implemented.

42. In recognition of these deficiencies, the Municipality has, *pendente lite*, delivered yet another draft Action Plan dated 5 February 2021 (Annexure MK10 to the answering affidavit).

43. With respect, the latest draft Action Plan which has since been delivered is a makeweight resorted to in order to pre-empt this application or any orders this Court may be required to make.

MEDIATION IS INAPPOSITE

44. At paragraphs 11 and 169 of the answering affidavit, the Municipality has raised the mediation point in a clear attempt to further delay the resolution of the matter.

45. The mediation point is diversionary. Given the history of the matter and the prolonged violations catalogued in the founding affidavit, the repeated compliance notices which have been issued by the Environmental Authorities,⁶ mediation is simply inapposite.

46. But, in any event, the matter involves a prolonged breach of statutory and constitutional rights of citizens, particularly environmental rights. This renders the matter one that is quintessentially a constitutional matter. As such the application seeks to vindicate the citizens' rights, entrenched in the Bill of Rights.

47. The mediation process is simply not suitable for a vindicatory relief.

48. Mediation, by definition, involves a voluntary process between parties who may (in appropriate circumstances) find a middle ground in an effort to resolve the

⁶ Second and Third Respondents' explanatory affidavit.

dispute. In an application such as the present, the Applicant does not only act in its own interests, but also acts in the public interest and on behalf of a class of individuals who cannot act for themselves. For the other part, the Applicant advances the rule of law in the public interest, in order to vindicate and protect human rights to which the citizens are entitled. In other words, the interests of a broad class of people which the Applicant seeks to preserve are not capable of resolution by mediation.

49. The Court, in its adjudicative role, is an appropriate arbiter of illegalities; not mediation (judicial or otherwise).

THE MATTER IS PRE-EMINENTLY CONSTITUTIONAL

50. At paragraphs 15-20 and 24 of the answering affidavit, the Municipality disputes the Constitutional nature of the application. As I demonstrate below, the bald denial is premised on a contrived interpretational discourse. The Municipality contends that a breach of its permit/licence conditions is of no Constitutional import.

51. Emanating from an organ of state, this proposition is, with respect, extraordinary and remarkable. The Municipality contends that for an admitted breach of its conditions to amount to a breach of the section 24 environmental right, proof of harm shored up by scientific evidence should be put up.

52. The proposition is downright wrong. I am advised that the contention flies against the weight of case law authority.

53. Although the denial raises legal arguments, I beg leave of the Court to refer, albeit briefly, to legal authorities pointing in the opposite direction.

54. It is uncontroversial that the Waste Act, the Water Act, NEMA and the Environment Conservation Act are the reasonable legislative measures promulgated to give effect to the environmental rights envisioned in section 24 of the Constitution.

55. The short answer is in *Fuel Retailers Association of Southern Africa v Director-General: Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province and Others*⁷ where Ngcobo J (as he then was) states that:

“Section 24 of the Constitution guarantees to everyone the right to a healthy environment and contemplates that legislation will be enacted for the protection of the environment. ECA and NEMA are legislation which give effect to this provision of the Constitution.”⁸

56. The SCA too has given this interpretative injunction an impetus in recognising the Waste Act as part of a suite of legislative measures envisioned by the

⁷ (CCT67/06) [2007] ZACC 13.

⁸ (CCT67/06) [2007] ZACC 13 at para 40.

Constitution to give effect to the environmental rights in section 24 of the Constitution. In *Minister of Environmental Affairs and Another v ArcelorMittal South Africa Limited*⁹ where Petse DP states that:

"The NEMA and the NEM:WA are two legislative measures contemplated in s 24 of the Constitution.

[5] The preamble to NEMA, after acknowledging that 'many inhabitants of South Africa live in an environment that is harmful to their health and well-being', recognises the right of everyone 'to an environment that is not harmful to his or her health and well-being'. It imposes an obligation on the State to 'respect, protect, promote and fulfil the social, economic and environmental rights of everyone and strive to meet the basic needs of previously disadvantaged communities'.

[6] On the other hand, the long title of the NEM:WA describes its overarching purpose as being to reform the law regulating waste management. This, it continues, is 'in order to protect health and the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development'. To this end, the NEM:WA makes provision for, inter alia, 'the licensing and control of waste management activities'; 'the remediation of contaminated land'; and for 'compliance and enforcement' measures.[2]"¹⁰

⁹ (342/2019) [2020] ZASCA 40.

¹⁰ (342/2019) [2020] ZASCA 40 at para 4-6.

57. One such compliance and enforcement measure is a compliance notice issued in terms of section 31L of NEMA. Section 31L(4) of NEMA makes it compulsory to comply with the provisions of a compliance notice unless such a notice is suspended by the Minister or the MEC in terms of section 31L(5) of NEMA. The evidence is overwhelming that the Municipality has not complied with several compliance notices issued by the Second and Third Respondents from time to time.

58. The principle has recently been affirmed by the full bench of this Court in the as yet unreported judgement of *Pietermaritzburg Pistol Club v Member of the Executive Council: Department of Economic Development, Tourism and Environmental Affairs for the Province of KwaZulu-Natal and Another*¹¹ where this court states that:

*"It is necessary in discussing this issue to consider the nature and scope of an environmental authorisation. NEMA is the legislation that has been enacted to give effect to environmental rights protected by s 24 of the Constitution. The term 'environment' is defined in section 1 of NEMA to refer to 'the natural environment and 'the physical, chemical, aesthetic, and cultural properties and conditions of the [natural environment] in so far as these influence human health and well-being'."*¹²

¹¹ (AR 165/19) [2021] ZAKZPHC 14.

¹² (AR 165/19) [2021] ZAKZPHC 14 at Para 33.

59. There is much to be said about the Municipality's contention that proof of harm must be established *a priori*. The contention is a curious one because the suite of legislation were promulgated precisely to prevent the very harm to citizens. It is thus circuitous reasoning to insist that harm should occur first before a declaration can be made. To insist on harm occurring before a declaration is made would subvert the very purpose for and object of insisting that preventative measures be taken to forestall the harm.

60. The Municipality's insistence that proof of harm to the health and well-being of the citizens must be established first, is, in any event, anachronistic. It does not comport with the textual structure of section 24 of the Constitution. Moreover, it denudes section 24 of its overall purpose and objective - to insist that protective measures be put in place to prevent harm.

61. There is academic support for this proposition. Devenish's rendition in the *South African Constitution*, at Page 123, paragraph 111 is illuminating:

"The composite nature of this right is apparent from the fact that a healthy environment is linked in section 24 to the issues of pollution, ecological degradation and conservation. The notion of the environment has become less technical and more sociological as is evident from a recent United Nations report on Human Rights and the Environment in which it was stated: "[w]e have moved from an environmental right to the right to a healthy and balanced environment". This consolidation and synthesis is a comparatively recent development. Section 24(a), apart from minor differences, is identical to the corresponding provision in the interim Constitution, that is, section 29. The new

section 24(b) accommodates some of the concerns expressed by experts in this field. This section imposes a general duty on the state to protect the environment, and unlike the position in terms of section 24(a), it is not essential to prove that the activities affecting the applicant's environment result in harm to his or her well being."¹³

62. There is a self-standing basis as to why non-compliance with permit conditions raises matters of Constitutional import: the Municipality's obligations at International law.

63. In the Founding Affidavit, I drew to the attention of this Court that South Africa is a signatory to several International Agreements. These have been ratified or approved by Parliament.

63.1. The African Charter on Human and Peoples' Rights was ratified on 9 July 1996 and proof of such ratification is attached hereto marked "JBS34".

63.2. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was ratified on 5 May 1994 and proof of such ratification is attached hereto marked "JBS35".

63.3. The International Covenant on Economic, Social and Cultural Rights was ratified in 2015 and proof of such ratification is attached hereto marked "JBS36".

¹³ Devenish, GE *The South African Constitution* (LexisNexis Butterworths Durban, 2005).

64. The provisions of these agreements are self-executing and have thus become part of our domestic law in terms of section 231(4) of the Constitution, *alternatively*, they have become part of Customary International Law in terms of section 232 of the Constitution.

WHY DECLARATORY RELIEFS AND STRUCTURAL INTERDICTS ARE NECESSARY

65. At paragraphs 24-32 and 86 of the answering affidavit, the Municipality disputes the competency of the reliefs sought. It is contended that a declarator will serve no lawful purpose other than to restate a known legal position. With regards to the structural interdict sought, the answering affidavit is littered with rote recital of complaints about judicial overreach and separation of powers (all of which have been decisively dealt with by the Courts in numerous cases to which reference will be made in legal arguments).

66. The proper approach to these issues, I submit, is to consider any defence proffered by the Municipality to the application. In this regard a consideration of the answering affidavit insofar as it traverses the merits of the application is necessary. That consideration reveals a curious state of affairs, namely that the Municipality has offered no *virilis defensio* to the application.

67. At paragraph 42-51, the answering affidavit dedicates pages and paragraphs at rendering bureaucratic obstacles in the way of complying with its licence conditions and compliance notices.
68. On close scrutiny, it is clear that the Municipality admits to historical violations of its licence conditions and excuses itself in asserting that such non-compliance is merely historical.¹⁴ For the other part, the Municipality excuses itself by feigning a turnover of staff and budgetary constraints.¹⁵ Such explanations are, with respect, unavailing and constitute a red herring.
69. What is clear is that the Second and Third Respondents have, over the years, bent over backward to grant the Municipality indulgence after indulgence to enable the Municipality to comply with its obligations.¹⁶ None of these indulgences have borne fruit. The Municipality remains recalcitrant, defying all warnings given to it from time to time, including failure to comply with statutory compliance notices. All of these in flagrant disregard of the Municipality's statutory obligations.
70. In the face of these infractions, both historical and current, I am advised and respectfully submit, that the Court has no discretion but to order declaratory relief. Section 172(1) of the Constitution states as much. It enjoins the court in peremptory terms to declare any law or conduct that is inconsistent with the

¹⁴ Paragraph 42-46 of the answering affidavit.

¹⁵ Paragraph 49-51 of the answering affidavit.

¹⁶ Paragraph 52-56 of the answering affidavit.

Constitution invalid. In this regard, I am also advised, that our courts have written such law with plated gold.¹⁷

71. Given the admitted history of violations, the citizens are entitled to vindication of their constitutional rights. All other avenues available at the Second and Third Respondents' disposal, both statutory and administrative, have been exhausted. None have yielded any results. Instead, the violations persist unabatedly.

72. The criminal law remedies have been explored in an effort to ensure that the Municipality complies with its obligations. A criminal case was laid against the Municipality in August 2019; a year and a half has come and gone, nothing tangible has resulted. *Festina lente*.

73. Under the rubric of its "just and equitable" discretion, the Court is entitled to provide citizens with an effective remedy that will ensure compliance required of the Municipality. That remedy is one sought in the structural interdict where the Court will exercise its supervisory role as a vanguard of citizens' human rights. The courts have routinely granted such orders in deserving cases.¹⁸

74. Enough damage-to the environment-has gone for far too long. The Court must intervene.

¹⁷ *Bengwenyama Minerals (Pty) Ltd and Others v Genorah Resources (Pty) Ltd and Others* (CCT 39/10) [2010] ZACC 26.

¹⁸ *Minister of Health and Others v Treatment Action Campaign and Others* (No 2) (CCT8/02) [2002] ZACC 15.

75. The power of the Court to intervene does not amount to usurpation of the powers of the legislature or the executive (the Second and Third Respondents in this case). On the contrary, it is an exercise of a constitutionally entrenched power of the Court to exercise judicial authority¹⁹ and grant just and equitable remedies to litigants.²⁰

CONCLUDING REMARKS

76. The Applicant respectfully submits that the Municipality has not offered any defence (at all) to the Applicant's assertion that the Municipality has violated:

76.1. Paragraph 3.1 read with paragraphs 4.1.8 and 4.1.16 of the Revised Compliance Notice (as amended);

76.2. The Variation Waste Management Licence in respect of the operation of the Dump;

76.3. Section 24(b) of the Waste Act;

76.4. Section 31L(4) of NEMA; and

76.5. Section 19 of the National Water Act 36 of 1998.

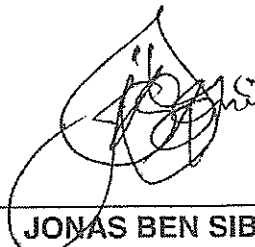
¹⁹ Section 165(1) of the Constitution of Republic of South Africa, 1996.

²⁰ Section 172(1)(b) of the Constitution of Republic South Africa, 1996.

77. Instead, the Municipality has contended that any declaration of the abovementioned violations would achieve no purpose. The Applicant disagrees. I respectfully submit that the Court must reject the Municipality's contention and make the declaration that the Applicant seeks. The Court's declaration of violations matters because it clarifies the Municipality's past and future legal obligations. That declaration would also be a critical component of the Court's determination of whether or not the Municipality has violated section 24 of the Constitution.
78. With respect to the Applicant's submission that the Municipality has failed to discharge its duty of care in terms of section 28(1) read with sub-section (3) of NEMA and that the Municipality has violated section 24 of the Constitution and/or its obligations in terms of international law, the Municipality has offered a spurious defence. In this affidavit I have demonstrated the fundamental flaws in that defence.
79. In light of the above, the Applicant respectfully submits that this Court has no option but to grant the declaratory orders sought by the Applicant.
80. This Court has discretion on whether or not to grant the structural interdict that the Applicant seeks. On the facts of this matter, it is necessary for the Court to assume a supervisory role, in view of the protracted violations of the Constitution which the Municipality has managed to sustain for more than a decade. The undisputed evidence is that the Second and Third Respondents have done everything in their power to ensure the Municipality's compliance. Those

attempts have come to naught. Criminal remedies too have not yielded any tangible results. In the circumstances, the Applicant prays for the granting of the structural interdict (in order) to vindicate the rights of the Municipality's citizens. I respectfully submit that only a structural interdict can come to the rescue of the citizens' rights and ensure the Municipality's compliance with its statutory and constitutional obligations.


81. Therefore, the Applicant prays for the order/s set out in the Applicant's Draft Amended Order annexed hereto.



JONAS BEN SIBANYONI

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of his knowledge both true and correct. This affidavit was SIGNED and AFFIRMED to before me at Durban on this the 18 day of March 2021, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended, and Government Notice No. R1648 of 19 August 1997, as amended, having been complied with.





2018008-1
M.M. BIRCH
COMMISSIONER OF OATHS
DESIGNATION
136 Margaret Mngodi
Durban
4000



Ndlovu de Villiers
Environmental Law Specialists

Mathew Francis Inc

Attention: Ms. Naidoo

Per e-mail: alicia@nfilaw.co.za

Your Ref:	A Naidoo/ss/ 05M003086
Our Ref:	S05-001
Date:	01 March 2021

Dear Ms. Naidoo

RE: SAHRC/MSUNDUZI MUNICIPALITY & TWO OTHERS – CASE NUMBER 8407/2020

1. We refer to the First Respondent's answering affidavit delivered on Monday, 15 February 2021.
2. It has come into our attention that the abovementioned affidavit (specifically at paragraphs 24 – 30 thereof) has not taken into account the Second and Third Respondents' explanatory affidavit delivered on Thursday, 11 February 2021. Therefore, we hereby give the First Respondent an opportunity to file any supplementary affidavit/s, if any, by Friday, 5 March 2021, failing which we will deliver our replying affidavit, without the First Respondent's supplementary affidavit/s, on Monday, 8 March 2021.

Block A Victoria House (170 Peter Brown Drive)
Victoria Country Club Estate
Pietermaritzburg, 3201
South Africa
Tel: +27 (0)33 001 7521 Email: ndlovu@ndvlaw.co.za
Cell: +27 (0)72 320 0283 Fax: +27(0)86 272 8791

Ndlovu de Villiers Attorneys
Partners: S.I.F. Ndlovu BA (Law) LLB LLM (Marine & Environmental Law)
S.O. de Villiers BA LLB

Yours faithfully

Ndlovu de Villiers Attorneys



Per: Sibonelo Ndlovu

(Managing Partner)



JBS32



MATTHEW FRANCIS INC.

MR SIBONELO NDLOVU
NDLOVU DE VILLIERS ATTORNEYS

PER EMAIL: ndlovu@ndvlaw.co.za

Date: 5 March 2021
Our Ref: A Naidoo/ss/ 05M003086
Your Ref: S05-001

Head Office

Suite 4, First Floor
Block A
21 Cascades Crescent
Montrose, Pietermaritzburg

P.O.Box 13164
Cascades, 3202
Docex: DX 43

T: 033 940 1497

F: 086 459 1488

E: mail@mfilaw.co.za

W: www.mfilaw.co.za

Dear Mr Ndlovu

SAHRC/ MSUNDUZI MUNICIPALITY & TWO OTHERS – CASE NUMBER: 8407/2020

1. I refer to your letter dated 1 March 2021.
2. I confirm that we had already finalised the consultation process with client by 11 February 2021 when the Second & Third Respondent's explanatory affidavit was delivered.
3. We therefore needed an additional consultation with the relevant officials in order to take further instructions in this regard, which simply did not materialise this week for various reasons.
4. However, in order to avoid any prejudice on the part of the Applicant we suggest that:
 - 4.1 The parties agree to an extension of dies for the filing of the Applicant's reply, so as to allow the First Respondent the time to take instructions and file a supplementary affidavit, if deemed necessary; alternatively;
 - 4.2 The Applicant proceeds to file its reply by 8 March 2021 and any further aspects which need to be addressed by all parties is done by way of supplementary affidavits thereafter.
5. We await your response.

Yours faithfully,

ALICIA C. NAIDOO
Direct line: 033 940 8301
E-mail: alicia@mfilaw.co.za

Sharvania Ramesar
Direct line: 033 940 8321
Email: sharvania@mfilaw.co.za

IN ASSOCIATION WITH XOLILE NTSHULANA ATTORNEYS

Directors: NY Maharaj (Chairman); M Francis; AC Naidoo; J Mahlangu; NN Meintjies	Jhb Office: Suite 28, 106 Johan Avenue, Sandton
Executive Consultant: J Moodley	Tel: 010 003 7760 Fax: 086 676 8031
Associates: SB Shezi; TSR Swinny; DZ Jackson; YTR Mllovu; BL King	Proprietor: Matthew Francis Inc. Reg. No. 2011/112762/21
Consultants: Xolile Ntshulana; KS Khan	

LEVEL 1 B-BBEE CONTRIBUTOR

JBS33



Ndlovu de Villiers
Environmental Law Specialists

Mathew Francis Inc

Attention: Ms. Naidoo

Per e-mail: alicia@nfilaw.co.za

Your Ref:	A Naidoo/ss/ 05M003086
Our Ref:	S05-001
Date:	09 March 2021

Dear Ms. Naidoo

RE: SAHRC/MSUNDUZI MUNICIPALITY & TWO OTHERS – CASE NUMBER 8407/2020

1. We acknowledge receipt of your letter dated 5 March 2021.
2. Please note that we are finalising our client's replying affidavit. We will file the affidavit shortly, as soon as it is finalised.
3. We have taken note of the suggestion contained in paragraph 4.2 of your letter. We hereby reserve our client's rights in the unlikely event that your client decides to file a further affidavit.

Block A Victoria House (170 Peter Brown Drive)
Victoria Country Club Estate
Pietermaritzburg, 3201
South Africa
Tel: +27 (0)33 001 7521 Email: ndlovu@ndvlaw.co.za
Cell: +27 (0)72 320 0283 Fax: +27(0)86 272 8791

Ndlovu de Villiers Attorneys
Partners: S.I.F. Ndlovu BA (Law) LLB LLM (Marine & Environmental Law)
S.O. de Villiers BA LLB

Yours faithfully

Ndlovu de Villiers Attorneys



Per: Sibonelo Ndlovu

(Managing Partner)



Ratification Table:- African Charter on Human and Peoples' Rights

State	Signed	Ratified	Deposited
<u>Algeria</u>	April 10 , 1986	March 01 , 1987	March 20 , 1987
<u>Angola</u>	March 02 , 1990	March 02 , 1990	October 09 , 1990
<u>Benin</u>	February 11 , 2004	January 20 , 1986	February 25 , 1986
<u>Botswana</u>		July 17 , 1986	July 22 , 2001
<u>Burkina Faso</u>	March 05 , 1984	July 06 , 1984	September 21 , 1984
<u>Burundi</u>		July 28 , 1989	August 30 , 1989
<u>Cameroon</u>	July 23 , 1987	June 20 , 1989	September 18 , 1989
<u>Cape Verde</u>	March 31 , 1986	June 02 , 1987	August 06 , 1987
<u>Central African Republic</u>	February 04 , 2003	April 26 , 1986	July 27 , 1986
<u>Chad</u>	May 29 , 1986	October 09 , 1986	November 11 , 1986
<u>Comoros</u>	December 07 , 2004	June 01 , 1986	July 18 , 1986
<u>Congo</u>	November 27 , 1981	December 09 , 1982	January 17 , 1983
<u>Cote d'Ivoire</u>	August 30 , 2005	January 06 , 1992	March 31 , 1992
<u>Democratic Republic of the Congo</u>	July 23 , 1987	July 20 , 1987	July 28 , 1987
<u>Djibouti</u>	December 20 , 1991	November 11 , 1991	December 20 , 1991
<u>Egypt</u>	November 16 , 1981	March 20 , 1984	April 03 , 1984
<u>Equatorial Guinea</u>	August 18 , 1986	April 07 , 1986	August 18 , 1986
<u>Eritrea</u>		January 14 , 1999	March 15 , 1999
<u>Eswatini</u>	December 20 , 1991	September 15 , 1995	October 09 , 1995
<u>Ethiopia</u>		June 15 , 1998	June 22 , 1998
<u>Gabon</u>	February 26 , 1982	February 20 , 1986	June 26 , 1986
<u>Gambia</u>	February 11 , 1983	June 08 , 1983	June 13 , 1983
<u>Ghana</u>	July 03 , 2004	January 24 , 1989	March 01 , 1989
<u>Guinea</u>	December 09 , 1981	February 16 , 1982	May 13 , 1982
<u>Guinea-Bissau</u>	March 08 , 2005	December 04 , 1985	March 06 , 1986
<u>Kenya</u>		January 23 , 1992	February 10 , 1992
<u>Lesotho</u>	March 07 , 1984	February 10 , 1992	February 27 , 1992
<u>Liberia</u>	January 31 , 1983	August 04 , 1992	December 29 , 1982
<u>Libya</u>	May 30 , 1985	July 19 , 1986	March 26 , 1987
<u>Madagascar</u>		March 09 , 1992	March 19 , 1992
<u>Malawi</u>	February 23 , 1990	November 17 , 1989	February 23 , 1990
<u>Mali</u>	November 13 , 1981	December 21 , 1981	January 22 , 1982
<u>Mauritania</u>	February 25 , 1982	June 14 , 1986	June 26 , 1986
<u>Mauritius</u>	February 27 , 1992	June 19 , 1992	July 01 , 1992
<u>Mozambique</u>		February 22 , 1989	March 07 , 1990
<u>Namibia</u>		July 30 , 1992	September 16 , 1992
<u>Niger</u>	July 09 , 1986	July 15 , 1986	July 21 , 1986
<u>Nigeria</u>	August 31 , 1982	June 22 , 1983	July 22 , 1983
<u>Rwanda</u>	November 11 , 1981	July 15 , 1983	July 22 , 1983
<u>Sahrawi Arab Democratic Republic</u>	April 10 , 1986	May 02 , 1986	May 23 , 1986
<u>Sao Tome and Principe</u>		May 23 , 1986	July 28 , 1986
<u>Senegal</u>	September 23 , 1981	August 13 , 1982	October 25 , 1982
<u>Seychelles</u>		April 13 , 1992	April 30 , 1992
<u>Sierra Leone</u>	August 27 , 1981	September 21 , 1983	January 27 , 1984

<u>State</u>	<u>Signed</u>	<u>Ratified</u>	<u>Deposited</u>
<u>Somalia</u>	February 26 , 1982	July 31 , 1985	March 20 , 1986
<u>South Africa</u>	July 09 , 1996	July 09 , 1996	July 09 , 1996
<u>South Sudan</u>		October 23 , 2013	
<u>Sudan</u>	September 03 , 1982	February 18 , 1986	March 11 , 1986
<u>Tanzania</u>	May 31 , 1982	February 18 , 1984	March 09 , 1984
<u>Togo</u>	February 26 , 1982	November 05 , 1982	November 22 , 1982
<u>Tunisia</u>		March 16 , 1983	April 22 , 1983
<u>Uganda</u>	August 18 , 1986	May 10 , 1986	May 27 , 1986
<u>Zambia</u>	January 17 , 1983	January 10 , 1984	February 02 , 1984
<u>Zimbabwe</u>	February 20 , 1986	May 30 , 1986	June 12 , 1986





Basel Convention

Synergies


**BASEL
CONVENTION**

 Controlling transboundary movements
of hazardous wastes and their disposal

You are here: Basel Convention > Countries > Status of Ratifications > Parties & Signatories

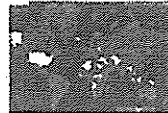
Login

Status of Ratifications

Parties & Signatories

 Ban Amendment
Plastic Waste amendments
The Protocol

Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal



Click on the map located in the left to view an interactive world map showing the current status of ratifications, or scroll down to see the information in a table format.

JBS35

Date of Adoption: 22/3/1989

Place of Adoption: Basel

Date of Entry into Force: 5/5/1992

Registration: 5 May 1992, No. 26911

Number of Signatories: 53

Number of Parties: 188¹
[Show introduction](#)

Participant	Signature, Succession to Signature (d)	Ratification, Acceptance (A), Approval (AA), Accession (a)	Entry into force
Afghanistan	23/03/1989	25/03/2013	23/06/2013
Albania		29/06/1999 (a)	27/09/1999
Algeria		15/09/1998 (a)	14/12/1998
Andorra		23/07/1999 (a)	21/10/1999
Angola		06/02/2017 (a)	07/05/2017
Antigua and Barbuda		05/04/1993 (a)	04/07/1993
Argentina	28/06/1989	27/06/1992	05/05/1992
Armenia		01/10/1999 (a)	30/12/1999
Australia		06/02/1992 (a)	09/05/1992
Austria	19/03/1990	12/01/1993	12/04/1993
Azerbaijan		01/06/2001 (a)	30/08/2001
Bahamas		12/08/1992 (a)	10/11/1992
Bahrain	22/03/1989	15/10/1992	13/01/1993
Bangladesh		01/04/1993 (a)	30/06/1993
Barbados		24/08/1995 (a)	22/11/1995
Belarus		10/12/1999 (a)	09/03/2000
Belgium	23/03/1989	01/11/1993	30/01/1994
Belize		23/05/1997 (a)	21/08/1997
Benin		04/12/1997 (a)	04/03/1998
Bhutan		26/08/2002 (a)	24/11/2002
Bolivia (Plurinational State of)	22/03/1989	15/11/1996	13/02/1997
Bosnia and Herzegovina		16/03/2001 (a)	14/06/2001
Botswana		20/05/1998 (a)	18/08/1998
Brazil		01/10/1992 (a)	30/12/1992
Brunei Darussalam		16/12/2002 (a)	16/03/2003
Bulgaria		16/02/1996 (a)	16/05/1996
Burkina Faso		04/11/1999 (a)	02/02/2000
Burundi		06/01/1997 (a)	06/04/1997
Cabo Verde		02/07/1999 (a)	30/09/1999
Cambodia		02/03/2001 (a)	31/05/2001
Cameroon		09/02/2001 (a)	10/05/2001
Canada	22/03/1989	28/08/1992	26/11/1992
Central African Republic		24/02/2006 (a)	25/05/2006

Chad		10/03/2004 (a)	08/06/2004
Chile	31/01/1990	11/03/1992	09/11/1992
China & Z	22/03/1989	17/12/1991	05/05/1992
Colombia	22/03/1989	31/12/1995	31/03/1997
Comoros		31/10/1994 (a)	29/01/1995
Congo		20/04/2007 (a)	19/07/2007
Cook Islands		29/06/2004 (a)	27/09/2004
Costa Rica		07/03/1995 (a)	05/06/1995
Côte d'Ivoire		01/12/1994 (a)	01/03/1995
Croatia		09/05/1994 (a)	07/08/1994
Cuba		03/10/1994 (a)	01/01/1995
Cyprus	22/03/1989	17/09/1992	16/12/1992
Czechia &		30/09/1993 (d)	01/01/1993
Democratic People's Republic of Korea		10/07/2008 (a)	09/10/2008
Democratic Republic of the Congo		06/10/1994 (a)	04/01/1995
Denmark	22/03/1989	06/02/1994 (AA)	07/05/1994
Djibouti		31/05/2002 (a)	29/08/2002
Dominica		05/05/1998 (a)	03/08/1998
Dominican Republic		10/07/2000 (a)	08/10/2000
Ecuador	22/03/1989	23/02/1993	24/05/1993
Egypt &		08/01/1993 (a)	08/04/1993
El Salvador	22/03/1989	13/12/1991	09/05/1992
Equatorial Guinea		07/02/2003 (a)	08/05/2003
Eritrea		10/03/2005 (a)	09/06/2005
Estonia		21/07/1992 (a)	19/10/1992
Eswatini		08/08/2005 (a)	05/11/2005
Ethiopia		12/04/2000 (a)	11/07/2000
European Union	22/03/1989	07/02/1994 (FA)	08/05/1994
Finland	22/03/1989	19/11/1991 (A)	05/05/1992
France	22/03/1989	07/01/1991 (AA)	06/05/1992
Gabon		06/06/2008 (a)	04/09/2008
Gambia		15/12/1997 (a)	15/03/1998
Georgia		20/05/1999 (a)	18/08/1999
Germany &	23/10/1989	23/04/1995	20/07/1995
Ghana		30/05/2003 (a)	28/08/2003
Greece	22/03/1989	04/06/1994	02/11/1994
Guatemala	22/03/1989	15/05/1995	13/08/1995
Guinea		26/04/1996 (a)	25/07/1995
Guinea-Bissau		09/02/2005 (a)	10/05/2005
Guyana		04/04/2001 (a)	03/07/2001
Haiti	22/03/1989		
Honduras		27/12/1995 (a)	26/03/1996
Hungary	22/03/1989	21/05/1990 (AA)	05/05/1992
Iceland		28/06/1995 (a)	26/09/1995
India	15/03/1990	24/06/1992	22/09/1992
Indonesia		20/09/1993 (a)	19/12/1993
Iran (Islamic Republic of)		05/01/1993 (a)	05/04/1993
Iraq		02/05/2011 (a)	31/07/2011
Ireland	19/01/1990	07/02/1994	05/05/1994
Israel	22/03/1989	14/12/1994	14/03/1995
Italy &	22/03/1989	07/02/1994	08/05/1994
Jamaica		23/01/2003 (a)	23/04/2003

Parties to the Basel Convention

Japan		17/09/1993 (a)	16/12/1993
Jordan	22/03/1989	22/06/1989 (AA)	05/05/1992
Kazakhstan		03/06/2003 (a)	01/09/2003
Kenya		01/06/2000 (a)	30/08/2000
Kiribati		07/09/2000 (a)	08/12/2000
Kuwait	22/03/1989	11/10/1993	09/04/1994
Kyrgyzstan		13/08/1996 (a)	11/11/1996
Lao People's Democratic Republic		21/09/2010 (a)	20/12/2010
Latvia		14/04/1992 (a)	13/07/1992
Lebanon	22/03/1989	21/12/1994	21/03/1995
Lesotho		31/05/2000 (a)	29/08/2000
Liberia		22/09/2004 (a)	21/12/2004
Libya		12/07/2001 (a)	10/10/2001
Liechtenstein	22/03/1989	27/01/1992	05/05/1992
Lithuania		22/04/1999 (a)	21/07/1999
Luxembourg	22/03/1989	07/02/1994	08/05/1994
Madagascar		02/06/1999 (a)	31/08/1999
Malawi		21/04/1994 (a)	20/07/1994
Malaysia		08/10/1993 (a)	06/01/1994
Maldives		28/04/1992 (a)	27/07/1992
Mali		05/12/2000 (a)	05/03/2001
Malta		19/06/2000 (a)	17/09/2000
Marshall Islands		27/01/2003 (a)	27/04/2003
Mauritania		16/08/1990 (a)	14/11/1990
Mauritius		24/11/1992 (a)	22/02/1993
Mexico	22/03/1989	22/02/1991	05/05/1992
Micronesia (Federated States of)		06/09/1995 (a)	05/12/1995
Monaco		31/08/1992 (a)	29/11/1992
Mongolia		15/04/1997 (a)	14/07/1997
Montenegro 11		23/10/2006 (d)	03/06/2006
Morocco		28/12/1995 (a)	27/03/1996
Mozambique		13/03/1997 (a)	11/06/1997
Myanmar		06/01/2015 (A)	06/04/2015
Namibia		15/05/1995 (a)	13/08/1995
Nauru		12/11/2001 (a)	10/02/2002
Nepal		15/10/1996 (a)	13/01/1997
Netherlands 12	22/03/1989	16/04/1993 (A)	15/07/1993
New Zealand 13	18/12/1989	20/12/1994	20/03/1995
Nicaragua		03/06/1997 (a)	01/09/1997
Niger		17/06/1998 (a)	15/09/1998
Nigeria	15/03/1990	13/03/1991	05/05/1992
North Macedonia		16/07/1997 (a)	14/10/1997
Norway	22/03/1989	02/07/1990	05/05/1992
Oman		08/02/1995 (a)	09/05/1995
Pakistan		26/07/1994 (a)	24/10/1994
Palau		08/09/2011 (a)	07/12/2011
Panama	22/03/1989	22/02/1991	05/05/1992
Papua New Guinea		03/09/1995 (a)	30/11/1995
Paraguay		28/09/1995 (a)	27/12/1995
Peru		23/11/1993 (a)	21/02/1994
Philippines	22/03/1989	21/10/1993	19/01/1994
Poland	22/03/1989	20/03/1992	18/06/1992

Parties to the Basel Convention

Portugal ⁵	26/06/1989	26/01/1994	26/04/1994
Qatar		09/08/1995 (a)	07/11/1995
Republic of Korea		28/02/1994 (a)	29/05/1994
Republic of Moldova		02/07/1998 (a)	30/09/1998
Romania		27/02/1991 (a)	05/05/1992
Russian Federation	22/03/1990	31/01/1995	01/05/1995
Rwanda		07/01/2004 (a)	06/04/2004
Saint Kitts and Nevis		07/09/1994 (a)	06/12/1994
Saint Lucia		09/12/1993 (a)	09/03/1994
Saint Vincent and the Grenadines		02/32/1996 (a)	02/03/1997
Samoa		22/03/2002 (a)	20/06/2002
Sao Tome and Principe		12/11/2013 (a)	10/02/2014
Saudi Arabia	22/03/1989	07/03/1990	05/05/1992
Senegal		10/11/1992 (a)	08/02/1993
Serbia ¹⁴		18/04/2000 (a)	17/07/2000
Seychelles		11/05/1993 (a)	09/08/1993
Sierra Leone		01/11/2016 (a)	30/01/2017
Singapore		02/01/1990 (a)	01/04/1990
Slovakia ⁸		28/05/1993 (d)	01/01/1993
Slovenia		07/10/1992 (a)	05/01/1994
Somalia		26/07/2010 (a)	24/10/2010
South Africa		05/05/1994 (a)	03/08/1994
Spain ^{15 16}	22/03/1989	07/02/1994	08/05/1994
Sri Lanka		28/08/1992 (a)	26/11/1992
State of Palestine		02/01/2015 (a)	02/04/2015
Sudan		09/01/2005 (a)	09/04/2006
Suriname		20/09/2011 (a)	19/12/2011
Sweden	22/03/1989	02/08/1991	05/05/1992
Switzerland	22/03/1989	31/01/1990	05/05/1992
Syrian Arab Republic	11/10/1989	22/01/1992	05/05/1992
Tajikistan		30/06/2016 (a)	28/09/2016
Thailand	22/03/1989	24/11/1997	22/02/1998
Togo		02/07/2004 (a)	30/09/2004
Tonga		26/03/2010 (a)	24/06/2010
Trinidad and Tobago		18/02/1994 (a)	19/05/1994
Tunisia		11/10/1995 (a)	09/01/1996
Turkey	22/03/1989	22/06/1994	20/09/1994
Turkmenistan		25/09/1996 (a)	24/12/1996
Tuvalu		21/08/2020 (a)	19/11/2020
Uganda		11/03/1999 (a)	09/06/1999
Ukraine		08/10/1999 (a)	06/01/2000
United Arab Emirates	22/03/1989	17/11/1992	15/02/1993
United Kingdom of Great Britain and Northern Ireland ^{7 15}	06/10/1989	07/02/1994	08/05/1994
United Republic of Tanzania		07/04/1993 (a)	06/07/1993
United States of America ¹²	22/03/1990		
Uruguay	22/03/1989	20/12/1991	05/05/1992
Uzbekistan		07/02/1996 (a)	07/05/1996
Vanuatu		16/10/2018 (a)	14/01/2019
Venezuela (Bolivarian Republic of)	22/03/1989	03/03/1998	01/06/1998
Viet Nam		13/03/1995 (a)	11/06/1995
Yemen		21/02/1995 (a)	21/05/1996

3. INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

New York, 16 December 1966

ENTRY INTO FORCE: 3 January 1976, in accordance with article 27.¹

REGISTRATION: 3 January 1976, No. 14531.¹

STATUS: Signatories: 71. Parties: 171.

TEXT: United Nations, *Treaty Series*, vol. 993, p. 3; depositary notification C.N.781.2001.TREATIES-6 of 5 October 2001 [Proposal of correction to the original of the Covenant (Chinese authentic text) and C.N.7.2002.TREATIES-1 of 3 January 2002 [Rectification of the original of the Covenant (Chinese authentic text)].

Note: The Covenant was opened for signature at New York on 19 December 1966.

<i>Participant²</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant²</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Afghanistan.....		24 Jan 1983 a	Central African Republic.....		8 May 1981 a
Albania.....		4 Oct 1991 a	Chad.....		9 Jun 1995 a
Algeria.....	10 Dec 1968	12 Sep 1989	Chile.....	16 Sep 1969	10 Feb 1972
Angola.....		10 Jan 1992 a	China ^{6,7,8}	27 Oct 1997	27 Mar 2001
Antigua and Barbuda.....		3 Jul 2019 a	Colombia.....	21 Dec 1966	29 Oct 1969
Argentina.....	19 Feb 1968	8 Aug 1986	Comoros.....	25 Sep 2008	
Armenia.....		13 Sep 1993 a	Congo.....		5 Oct 1983 a
Australia.....	18 Dec 1972	10 Dec 1975	Costa Rica.....	19 Dec 1966	29 Nov 1968
Austria.....	10 Dec 1973	10 Sep 1978	Côte d'Ivoire.....		26 Mar 1992 a
Azerbaijan.....		13 Aug 1992 a	Croatia ³		12 Oct 1992 d
Bahamas.....	4 Dec 2008	23 Dec 2008	Cuba.....	28 Feb 2008	
Bahrain.....		27 Sep 2007 a	Cyprus.....	9 Jan 1967	2 Apr 1969
Bangladesh.....		5 Oct 1998 a	Czech Republic ⁹		22 Feb 1993 d
Barbados.....		5 Jan 1973 a	Democratic People's Republic of Korea....		14 Sep 1981 a
Belarus.....	19 Mar 1968	12 Nov 1973	Democratic Republic of the Congo.....		1 Nov 1976 a
Belgium.....	10 Dec 1968	21 Apr 1983	Denmark.....	20 Mar 1968	6 Jan 1972
Belize.....	6 Sep 2000	9 Mar 2015	Djibouti.....		5 Nov 2002 a
Benin.....		12 Mar 1992 a	Dominica.....		17 Jun 1993 a
Bolivia (Plurinational State of).....		12 Aug 1982 a	Dominican Republic.....		4 Jan 1978 a
Bosnia and Herzegovina ³		1 Sep 1993 d	Ecuador.....	29 Sep 1967	6 Mar 1969
Brazil.....		24 Jan 1992 a	Egypt.....	4 Aug 1967	14 Jan 1982
Bulgaria.....	8 Oct 1968	21 Sep 1970	El Salvador.....	21 Sep 1967	30 Nov 1979
Burkina Faso.....		4 Jan 1999 a	Equatorial Guinea.....		25 Sep 1987 a
Burundi.....		9 May 1990 a	Eritrea.....		17 Apr 2001 a
Cabo Verde.....		6 Aug 1993 a	Estonia.....		21 Oct 1991 a
Cambodia ^{4,5}	17 Oct 1980	26 May 1992 a	Eswatini.....		26 Mar 2004 a
Cameroon.....		27 Jun 1984 a	Ethiopia.....		11 Jun 1993 a
Canada.....		19 May 1976 a	Fiji.....		16 Aug 2018 a

<i>Participant²</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant²</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Finland.....	11 Oct 1967	19 Aug 1975	Maldives.....		19 Sep 2006 a
France.....		4 Nov 1980 a	Mali.....		16 Jul 1974 a
Gabon.....		21 Jan 1983 a	Malta.....	22 Oct 1968	13 Sep 1990
Gambia.....		29 Dec 1978 a	Marshall Islands.....		12 Mar 2018 a
Georgia.....		3 May 1994 a	Mauritania.....		17 Nov 2004 a
Germany ^{2,10}	9 Oct 1968	17 Dec 1973	Mauritius.....		12 Dec 1973 a
Ghana.....	7 Sep 2000	7 Sep 2000	Mexico.....		23 Mar 1981 a
Greece.....		16 May 1985 a	Monaco.....	26 Jun 1997	28 Aug 1997
Grenada.....		6 Sep 1991 a	Mongolia.....	5 Jun 1968	18 Nov 1974
Guatemala.....		19 May 1988 a	Montenegro ¹¹		23 Oct 2006 d
Guinea.....	28 Feb 1967	24 Jan 1978	Morocco.....	19 Jan 1977	3 May 1979
Guinea-Bissau.....		2 Jul 1992 a	Myanmar.....	16 Jul 2015	6 Oct 2017
Guyana.....	22 Aug 1968	15 Feb 1977	Namibia.....		28 Nov 1994 a
Haiti.....		8 Oct 2013 a	Nepal.....		14 May 1991 a
Honduras.....	19 Dec 1966	17 Feb 1981	Netherlands ¹²	25 Jun 1969	11 Dec 1978
Hungary.....	25 Mar 1969	17 Jan 1974	New Zealand ¹³	12 Nov 1968	28 Dec 1978
Iceland.....	30 Dec 1968	22 Aug 1979	Nicaragua.....		12 Mar 1980 a
India.....		10 Apr 1979 a	Niger.....		7 Mar 1986 a
Indonesia.....		23 Feb 2006 a	Nigeria.....		29 Jul 1993 a
Iran (Islamic Republic of).....	4 Apr 1968	24 Jun 1975	North Macedonia ³		18 Jan 1994 d
Iraq.....	18 Feb 1969	25 Jan 1971	Norway.....	20 Mar 1968	13 Sep 1972
Ireland.....	1 Oct 1973	8 Dec 1989	Oman.....		9 Jun 2020 a
Israel.....	19 Dec 1966	3 Oct 1991	Pakistan.....	3 Nov 2004	17 Apr 2008
Italy.....	18 Jan 1967	15 Sep 1978	Palau.....	20 Sep 2011	
Jamaica.....	19 Dec 1966	3 Oct 1975	Panama.....	27 Jul 1976	8 Mar 1977
Japan.....	30 May 1978	21 Jun 1979	Papua New Guinea.....		21 Jul 2008 a
Jordan.....	30 Jun 1972	28 May 1975	Paraguay.....		10 Jun 1992 a
Kazakhstan.....	2 Dec 2003	24 Jan 2006	Peru.....	11 Aug 1977	28 Apr 1978
Kenya.....		1 May 1972 a	Philippines.....	19 Dec 1966	7 Jun 1974
Kuwait.....		21 May 1996 a	Poland.....	2 Mar 1967	18 Mar 1977
Kyrgyzstan.....		7 Oct 1994 a	Portugal ⁶	7 Oct 1976	31 Jul 1978
Lao People's Democratic Republic.....	7 Dec 2000	13 Feb 2007	Qatar.....		21 May 2018 a
Latvia.....		14 Apr 1992 a	Republic of Korea.....		10 Apr 1990 a
Lebanon.....		3 Nov 1972 a	Republic of Moldova.....		26 Jan 1993 a
Lesotho.....		9 Sep 1992 a	Romania.....	27 Jun 1968	9 Dec 1974
Liberia.....	18 Apr 1967	22 Sep 2004	Russian Federation.....	18 Mar 1968	16 Oct 1973
Libya.....		15 May 1970 a	Rwanda.....		16 Apr 1975 a
Liechtenstein.....		10 Dec 1998 a	San Marino.....		18 Oct 1985 a
Lithuania.....		20 Nov 1991 a	Sao Tome and Principe.....	31 Oct 1995	10 Jan 2017
Luxembourg.....	26 Nov 1974	18 Aug 1983	Senegal.....	6 Jul 1970	13 Feb 1978
Madagascar.....	14 Apr 1970	22 Sep 1971	Serbia ³		12 Mar 2001 d
Malawi.....		22 Dec 1993 a	Seychelles.....		5 May 1992 a
			Sierra Leone.....		23 Aug 1996 a
			Slovakia ⁹		28 May 1993 d

<i>Participant²</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant²</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Slovenia ³		6 Jul 1992 d	Tunisia.....	30 Apr 1968	18 Mar 1969
Solomon Islands ¹⁴		17 Mar 1982 d	Turkey.....	15 Aug 2000	23 Sep 2003
Somalia.....		24 Jan 1990 a	Turkmenistan.....		1 May 1997 a
South Africa.....	3 Oct 1994	12 Jan 2015	Uganda.....		21 Jan 1987 a
Spain.....	28 Sep 1976	27 Apr 1977	Ukraine.....	20 Mar 1968	12 Nov 1973
Sri Lanka.....		11 Jun 1980 a	United Kingdom of Great Britain and Northern Ireland ^{8,15}	16 Sep 1968	20 May 1976
St. Vincent and the Grenadines.....		9 Nov 1981 a	United Republic of Tanzania.....		11 Jun 1976 a
State of Palestine.....		2 Apr 2014 a	United States of America.....	5 Oct 1977	
Sudan.....		18 Mar 1986 a	Uruguay.....	21 Feb 1967	1 Apr 1970
Suriname.....		28 Dec 1976 a	Uzbekistan.....		28 Sep 1995 a
Sweden.....	29 Sep 1967	6 Dec 1971	Venezuela (Bolivarian Republic of).....	24 Jun 1969	10 May 1978
Switzerland.....		18 Jun 1992 a	Viet Nam.....		24 Sep 1982 a
Syrian Arab Republic.....		21 Apr 1969 a	Yemen ¹⁶		9 Feb 1987 a
Tajikistan.....		4 Jan 1999 a	Zambia.....		10 Apr 1984 a
Thailand.....		5 Sep 1999 a	Zimbabwe.....		13 May 1991 a
Timor-Leste.....		16 Apr 2003 a			
Togo.....		24 May 1984 a			
Trinidad and Tobago.....		8 Dec 1978 a			