

**No. 47489**

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**South Africa  
and  
Namibia**

**Agreement between the Government of the Republic of Namibia and the Government of the Republic of South Africa in respect of health and welfare services relating to Walvis Bay. Windhoek, 18 April 1994 and Pretoria, 19 April 1994**

**Entry into force:** *with retroactive effect from 1 March 1994, in accordance with article 8*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *South Africa, 18 May 2010*

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**Afrique du Sud  
et  
Namibie**

**Accord entre le Gouvernement de la République de Namibie et le Gouvernement de la République sud-africaine relatif aux services de santé et d'assistance sociale concernant Walvis Bay. Windhoek, 18 avril 1994 et Pretoria, 19 avril 1994**

**Entrée en vigueur :** *avec effet rétroactif à compter du 1<sup>er</sup> mars 1994, conformément à l'article 8*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Afrique du Sud, 18 mai 2010*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT**

**BETWEEN**

**THE GOVERNMENT OF THE  
REPUBLIC OF NAMIBIA**

**AND**

**THE GOVERNMENT OF THE  
REPUBLIC OF SOUTH AFRICA**

**IN RESPECT OF**

**HEALTH AND WELFARE SERVICES  
RELATING TO WALVIS BAY**

## **PREAMBLE**

WHEREAS the Government of the Republic of Namibia and the Government of the Republic of South Africa (hereinafter referred to as "the Parties") have agreed that Walvis Bay shall be transferred to/reintegrated into Namibia with effect from 1 March 1994 or such other date as may be agreed to by the Parties;

AND WHEREAS the Parties are committed to the resolution of all matters in connection therewith in such a way as to ensure an orderly and smooth transition without disruption of existing services;

AND WHEREAS in the furtherance of this goal the Parties consider it desirable to regulate matters relating to health and welfare services in so far as they concern Walvis Bay;

NOW THEREFORE, the Parties have agreed as follows:

## **ARTICLE 1**

In this agreement, except where the context indicates otherwise -

"date of transfer" means 1 March 1994 or such other date as may be agreed by the Parties for the transfer/reintegration of Walvis Bay;

"Namibia" means the Republic of Namibia;

"South Africa" means the Republic of South Africa;

"Walvis Bay" means the port, settlement and territory described in the Walvis Bay and St John's River Territories Annexation Act, 1884 (Act No. 35 of 1884), of the Cape of Good Hope, as "the Port or Settlement of Walfish Bay situated on the West Coast of South Africa, to the north of the

Tropic of Capricorn, together with certain territory surrounding the same", and includes the Island of Ichaboe and the other islands, islets and rocks mentioned in the Ichaboe and Penguin Islands Act, 1874 (Act No. 4 of 1874), of the Cape of Good Hope.

## **ARTICLE 2**

For the achievement of the aims and objects of this Agreement the Parties shall consult with each other on an ongoing basis in connection with the matters to which this Agreement relates and the rendering of health and welfare services generally.

## **ARTICLE 3**

With effect from the date of transfer -

- (a) the Government of Namibia will assume control of the House Palms Old Age Home in Walvis Bay in regard to the registration, criteria for admission and general monitoring thereof, provided that the Government of South Africa will, until a date to be agreed by the Parties, continue, in accordance with the criteria for admission laid down by it, to subsidise on a per capita basis the residence of South African citizens therein;
- (b) all crèches in Walvis Bay shall register with the Government of Namibia but the Government of South Africa will continue to subsidise the Kuisebmond Crèche and the Roman Catholic Crèche until a date to be agreed upon;
- (c) the Home for the Aged at Kuisebmond shall register with the Government of Namibia and the Government of South Africa will

make all relevant correspondence concerning this Home available to the competent Namibian authorities; and

- (d) the Government of South Africa will continue to subsidise the social work post of the Kerklike Maatskaplike Raad until a date to be agreed upon by the Parties, provided that -
  - (i) the social worker employed in such post shall provide services to all residents of Walvis Bay who require them; and
  - (ii) the subsidies in question shall be allocated between various welfare programmes.

#### **ARTICLE 4**

The Government of South Africa will donate to the Government of Namibia such of its motor vehicles, furniture, equipment and stationery utilized in Walvis Bay in connection with matters to which this Agreement relates, as may be agreed by the Parties.

#### **ARTICLE 5**

- (a) The payment by the Government of South Africa to any South African citizen in Walvis Bay of an old age pension, a war veteran's pension, a pension for the blind or a disability grant shall be continued for the lifetime of such citizen and any person qualifying for any such pension or grant on or after the date of transfer may apply therefor to the South African Mission to be established in Walvis Bay; provided that in the case of a person in receipt of a pension for the blind or a disability grant such payment shall cease upon the reintegration of such person into the open labour market.