

**No. 47492**

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**South Africa  
and  
Namibia**

**Agreement between the Government of the Republic of South Africa and the Government of the Republic of Namibia with respect to road transport and road traffic matters relating to Walvis Bay. Pretoria, 24 February 1994 and Windhoek, 27 February 1994**

**Entry into force:** *1 March 1994, in accordance with article 12*

**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 sud-africaine et le Gouvernement de la République de Namibie en matière de transport routier et de circulation routière à Walvis Bay. Pretoria, 24 février 1994 et Windhoek, 27 février 1994**

**Entrée en vigueur :** *1<sup>er</sup> mars 1994, conformément à l'article 12*

**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  
SOUTH AFRICA AND THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA  
WITH RESPECT TO ROAD TRANSPORT AND ROAD TRAFFIC MATTERS  
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 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 with due regard for existing rights and interests,

AND WHEREAS the Parties consider it desirable to regulate matters relating to road transport and road traffic in so far as they concern Walvis Bay,

AND WHEREAS the Parties recognize that their road transport and road traffic legislation contain certain differences,

AND WHEREAS South Africa is a party to the Southern African Customs Union Memorandum of Understanding on Road Transportation and Namibia is still considering accession thereto,

NOW THEREFORE the Parties have agreed as follows

**PART I**

**ARTICLE 1**

**DEFINITIONS**

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 to / into Namibia;

"Namibia" means the Republic of Namibia;

"National Transport Commission" means the National Transport Commission contemplated by the Transport Deregulation Act No. 80 of 1988 of South Africa;

"person" means a natural or legal person;

"Provincial Administration" means the Provincial Administration of the Cape of Good Hope;

"South Africa" means the Republic of South Africa;

"the Act" means the Road Traffic Act, 1989, of South Africa;

"the Ordinance" means the Road Traffic Ordinance, 1967, of Namibia;

"vehicle" means, for the purposes of Part II, any self-propelled vehicle and includes -

- (a) a trailer; and
- (b) a vehicle having pedals and an electric engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals, engine or motor, but does not include -
  - (i) any vehicle propelled by electrical power derived from storage batteries and which is pedestrian-controlled; or
  - (ii) any vehicle with a mass of not more than 230 kilograms and specially designed and constructed, and not merely adapted for the use of any person suffering from some physical defect or disability and used solely by such person;

"vehicle standards" means the standards prescribed in the Act in respect of the matters listed in annexure A;

"Walvis Bay" means the port, settlement and territory described in the Walvis Bay and St John's 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.