

**No. 47494**

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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 with respect to prisons matters in Walvis Bay (with schedule). Windhoek, 4 March 1994 and Pretoria, 17 March 1994**

**Entry into force:** *17 March 1994, in accordance with article 5*

**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 concernant les questions pénitentiaires à Walvis Bay (avec annexe). Windhoek, 4 mars 1994 et Pretoria, 17 mars 1994**

**Entrée en vigueur :** *17 mars 1994, conformément à l'article 5*

**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**

**With Respect to Prisons Matters in Walvis Bay**

**WHEREAS** the Government of the Republic of Namibia and the Government of the Republic of South Africa (hereinafter called "the Parties") have agreed that Walvis Bay shall be transferred to/reintegrated into Namibia with effect from 1st 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 a smooth transition without disruption of existing services and with due regard for existing rights and interests;

**AND WHEREAS** in the furtherance of this goal the Parties consider it desirable to regulate matters relating to prisons matters 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/reintegration" means 1st March 1994 or such other date as may be agreed by the Parties for the transfer/reintegration of Walvis Bay into Namibia;

"Department" means the Department of Correctional Services of South Africa;

"Namibia" means the Republic of Namibia;

"the Prisons Service" means the Prisons Service of Namibia;

"the Walvis Bay prison" means the prison established at Walvis Bay in terms of the

Correctional Services Act, 1959, of South Africa;

"South Africa" means the Republic of South Africa.

## **ARTICLE 2**

The Government of Namibia shall with effect from the date of transfer/reintegration establish the Walvis Bay prison as a prison in accordance with the laws of Namibia.

## **ARTICLE 3**

With effect from the date of transfer/reintegration the Department shall transfer to the Prisons Service for utilization at the Walvis Bay prison the furniture, equipment and other moveable property of the Department in Walvis Bay, listed in the Schedule attached to this Agreement, which Schedule shall form an integral part of this Agreement.

## **ARTICLE 4**

At the request of the Government of Namibia, the Government of South Africa will as from the date of transfer/reintegration second to the Government of Namibia for service in the Walvis Bay Prison an agreed number of members of the Department who were members of the staff of such prison prior to that date and such members shall be so seconded in accordance with the terms and conditions agreed by the Parties.

## **ARTICLE 5**

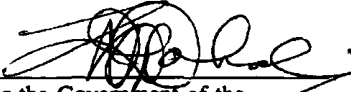
1. Any amendment of this Agreement shall be effected by way of the exchange of

Diplomatic Notes between the Parties.


2. The Parties shall resolve any dispute arising from the application or interpretation of this Agreement amicably and in good faith through the diplomatic channel.
3. This Agreement shall be deemed to have entered into force on the date of transfer/reintegration.

**IN WITNESS WHEREOF** the undersigned, being duly authorized thereto by their respective Governments, have signed this agreement.

DONE at WINDHOK.....in duplicate in the English language this 04...  
day of MARCH in the year 1994.

  
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For the Government of the  
Republic of Namibia

DONE at Pretoria.....in duplicate in the English language this 17...  
day of March.....in the year 1994.

  
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For the Government of the  
Republic of South Africa