

AGREEMENT ON THE JOINT ADMINISTRATION OF WALVIS BAY AND THE OFF-SHORE ISLANDS

The Government of the Republic of Namibia (hereinafter referred to as "Namibia") and the Government of the Republic of South Africa (hereinafter referred to as "South Africa"), both referred to as "the Contracting Parties";

HAVING DUE REGARD to their common interests as neighbours;

DESIROUS to establish good neighbourly relations between the two countries;

HAVING REGARD to the Joint Statement issued in Windhoek on 17th May 1991 on the possibility of a Joint Administration as an interim arrangement, pending an eventual settlement of the question of Walvis Bay and the Off-Shore Islands (hereinafter referred to as "Walvis Bay");

HAVING FURTHER REGARD to the Second Joint Statement on Walvis Bay and the Off-Shore Islands, issued in Windhoek and Pretoria on the 20th September 1991;

HAVING FURTHER REGARD to the Agreed Minutes of the second meeting of the Joint Technical Committee held in Windhoek on 26 March 1992 and understandings reached between the Contracting Parties;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Establishment of Joint Administration

The Contracting Parties hereby establish the Joint Administration of Walvis Bay and the Off-Shore Islands (hereinafter referred to as "Walvis Bay"), as an interim arrangement pending an eventual settlement of the aforesaid question.

ARTICLE 2

Establishment of the Joint Administrative Authority

- 1) There is hereby established a Joint Administrative Authority comprising two Chief Executives and the Management Committee, members of which shall be appointed by the Contracting Parties.
- 2) The Joint Administrative Authority shall commence on 1st November 1992 and shall cease upon a date to be agreed upon between the Contracting Parties.

ARTICLE 3

Functions of the Joint Administrative Authority

- 1) The Joint Administrative Authority shall administer Walvis Bay in the best interests of its inhabitants within the mandate provided by the Contracting Parties in accordance with the Agreed Minutes of the Second Meeting of the Joint Technical Committee on Walvis Bay and the Off-Shore Islands held in Windhoek on 26 March 1992 and approved by the Contracting Parties on 21 August 1992.

- 2) The Joint Administrative Authority shall commence with all those functions identified by it and agreed upon by the Contracting Parties.
- 3) Those functions that the Joint Administrative Authority may not currently consider susceptible to joint administration be continuously reviewed with a view to possible inclusion within its ambit.
- 4) The Joint Administrative Authority shall have consultative competence in respect of those functions which are currently not considered susceptible to joint administration.
- 5) The Joint Administrative Authority shall adopt and recommend budgets for approval by the Contracting Parties.
- 6) The Joint Administrative Authority shall approve plans, programmes, its administrative regulations and the like.
- 7) The Joint Administrative Authority shall submit periodic reports to the Contracting Parties.
- 8) The Joint Administrative Authority shall suggest necessary measures to the Contracting Parties to give effect to this Agreement.
- 9) The Joint Administrative Authority shall perform any other function that may be assigned to it by the Contracting Parties.

ARTICLE 4

Procedures of the Joint Administrative Authority

- 1) The Joint Administrative Authority shall establish its Rules of Procedure.
- 2) The Rules of Procedure of the Joint Administrative Authority shall be governed by the principle of consensus.

ARTICLE 5

Chief Executive Officers

- 1) Each Contracting Party shall appoint a Chief Executive Officer (hereinafter referred to as the "CEO").
- 2) The CEO's shall be accountable to the respective Contracting Parties.
- 3) The CEO's shall have the following functions:
 - a) subject to the principle of accountability to the Contracting Parties, to develop overall policies and to oversee the implementation thereof.
 - b) to suggest necessary measures to the Contracting Parties to give effect to this Agreement;
 - c) to jointly be the heads of the Joint Administrative Authority;
 - d) to prepare and submit reports to the Contracting Parties;
 - e) to convene and co-chair the meetings of the Management Committee;
 - f) to perform any other function that may be assigned to them by the Contracting Parties.

ARTICLE 6

Management Committee

- 1) The Management Committee shall be established in equal representation of the Contracting Parties and shall be co-chaired by the CEO's.
- 2) The Management Committee shall consist of four (4) persons on each side appointed by the Contracting Parties.
- 3) The Management Committee shall perform such functions as may be assigned to it by the CEO's.

ARTICLE 7

Budgetary and Administrative Provisions

- 1) Each of the Contracting Parties shall be responsible for the remuneration and other terms and conditions of service of its officials appointed to perform functions for the Joint Administrative Authority.
- 2) The Contracting Parties shall share revenue accruing from and expenditure incurred in respect of activities related to joint administration.

ARTICLE 8

Individual Rights and Freedoms

The principle of individual rights and freedoms of all persons in Walvis Bay shall be adhered to in the joint administration of Walvis Bay.

ARTICLE 9

Citizenship

The residents of Walvis Bay shall have the right, within the limits of the law, to retain or change citizenship of the country that has officially granted them such citizenship.

ARTICLE 10

Private Property Rights

The rights concerning the ownership of property, including those relating to acquisition, use, disposal, inheritance and compensation for lawful expropriation shall be protected.

ARTICLE 11

Settlement of Dispute

Any dispute concerning the interpretation or implementation of this Agreement shall be settled by negotiation between the Contracting Parties.

ARTICLE 12

Amendment

Any amendment to this Agreement shall be in writing and signed by the Contracting Parties.

ARTICLE 13

Entry into Force

This Agreement shall enter into effect upon signature hereof.

DONE at this day of 1992 in two originals in the English language.

FOR AND ON BEHALF OF THE GOVERNMENT OF
THE REPUBLIC OF NAMIBIA

FOR AND ON BEHALF OF THE GOVERNMENT OF
THE REPUBLIC OF SOUTH AFRICA