INFORMATION CURRENT TO
23 November 2017

Entries were last compared for completeness with information made available by the Ministry of International Relations and Cooperation on 23 November 2017.

Hansards (Namibia’s records of Parliamentary proceedings) were checked for actions by the National Assembly in respect of multilateral treaties to 9 November 2017.

Information on whether treaties are in force internationally was confirmed during September-November 2017.
INTRODUCTION

ACKNOWLEDGEMENTS
The Legal Assistance Centre gratefully acknowledges the work of Felix Lüth and Laura Halonen, the primary authors of this Appendix, who generously provided their expertise on a volunteer basis. We also thank Klaus Striewe, who assisted with supplementing and updating the information on a volunteer basis. The project was coordinated by Dianne Hubbard. We would like to thank the Ministry of International Relations and Cooperation (previously the Ministry of Foreign Affairs) for their assistance, particularly Jens Prothmann.

CONTENTS OF NAMLEX APPENDIX
The NAMLEX APPENDIX includes the following multilateral agreements:

1) **International agreements binding on Namibia**: These international agreements are fully binding on Namibia because they have been signed and ratified or acceded to by Namibia (or otherwise accepted) and are in force internationally.

2) **International agreements which will become binding on Namibia as soon as they come into force internationally**: These are international agreements which have already been ratified or acceded to (or otherwise accepted) by Namibia, but have not yet satisfied the conditions of the international agreement for coming into force (often a minimum number of parties). While these agreements are not yet binding on Namibia, Namibia has taken all the necessary steps to express its consent to be bound to their terms as soon as they enter into force internationally.
   These treaties are indicated with an asterisk (*).

3) **International agreements signed but not yet ratified by Namibia**: These are not binding on Namibia, regardless of whether or not they are in force internationally. They are listed here because signature of an international agreement indicates an intention to become a party to the agreement at some future point and prohibits acts in contravention of the object and purpose of the treaty.
   These treaties are indicated with a double-asterisk (**).

4) **Pre-independence treaties that appear to be binding on Namibia**: The position of pre-independence treaties is discussed in detail in the accompanying Background Information document. Additional information on the date from which such treaties bind Namibia, or the method by which Namibia has become, or continues to be, a party to them, is provided in the “Notes” in each such treaty entry.
   These treaties are indicated by a cross (†).

The NAMLEX APPENDIX does NOT include (a) bilateral agreements; (b) binding international law instruments that are not agreements (such as United Nations Security Council Resolutions); or (c) non-binding international documents (such as memoranda of understanding). However, it does contain some supplementary notes at the end on treaties approved by the National Assembly without any subsequent international action by Namibia (ie no signature or ratification/acceptance), as well as a few other treaties which have some connection to Namibia without any international action by Namibia or approval by the National Assembly (such as appearing in the Schedules to domestic legislation). The treaties covered in the supplementary notes are NOT included in the alphabetical list of treaties, or the lists by category.
This list is not yet fully comprehensive, although every effort has been made to make it as complete as possible. We invite and encourage members of the public to alert us to any errors or omissions.

INDIVIDUAL ENTRIES
In the NAMLEX APPENDIX, the sources for the information on signature, ratification and international entry into force are indicated in each entry. An attempt has been made to source information from the treaty depositary where possible. The identity of the depositary for each treaty is also given.

Each entry indicates the date on which the treaty became binding on Namibia. The date on which a treaty becomes binding on the parties to it is in most cases determined by the text of the treaty itself. Most commonly when a certain number of states have ratified or acceded to a treaty, the treaty becomes binding for those states either immediately or after a period specified in the treaty itself (such as 30 days from the date when the 15th state becomes party to the treaty). For states that join the treaty after it has entered into force, the treaty often specifies a time period dating from the deposit of the instrument of ratification or accession (such as 30 days or three months). In cases where the treaty is silent on the issue, customary international law provides that the treaty becomes binding on the date the instrument of ratification/accession is deposited. Where a treaty was not yet legally binding on Namibia at the time of writing, the date is given as “not yet binding”. If this is due to the treaty not yet being in force internationally, that fact is separately indicated.

The date for “ratification” or “accession” is the date that is relevant for determining when the treaty becomes binding, most commonly the date of deposit. The internal act of approval by the National Assembly in accordance with Article 63(2)(e) of the Namibian Constitution is given separately, where it is known (usually obtained from Namibia’s records of Parliamentary proceedings, known as “Hansards”).

Conflicting information from the available sources is listed in the “Notes”.

Protocols to international agreements: Protocols become binding on a state only if they are specially ratified or acceded to by that state. These are therefore listed separately in the entries where this is relevant.

Amendments to international agreements

Amendments prior to the date of ratification/accession: Amendments which came into force for all parties before Namibia became a party to the treaty have not been separately listed, since Namibia’s accession to the treaty in question would have applied to the treaty as amended at that date. Amendments that had not become binding on all parties at the date of accession are listed separately, as this situation would generally require Namibia to specifically accept the amendment in order for it to become binding on Namibia.

Amendments after the date of accession: Where amendments post-date the point when Namibia became a party to the treaty, only those which required positive steps to be taken by Namibia to make them binding are listed. Where a tacit acceptance system is built into the treaty (such as in the case of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers), individual amendments are listed only in special circumstances. This is the case for two reasons:

1. Sometimes there are dozens of such amendments (especially where committees have the power to update technical annexes), and listing each would have over-burdened the entries.

2. Listing all amendments of this nature would have made keeping the NAMLEX APPENDIX up-to-date a very burdensome exercise.
ABBREVIATIONS
ILO – International Labour Organisation
IMO – International Maritime Organisation
ITU – International Telecommunication Union
OAU – Organisation of African Unity, now replaced by the African Union
SACU – Southern African Customs Union
SADC – Southern African Development Community
UN – United Nations
The UNTC contains information relating to the depositary functions of the Secretary-General in respect of over 560 multilateral treaties, including information about States Parties and entry into force.
UNTS – United Nations Treaty Series
The UNTS is a publication produced by the Secretariat of the United Nations containing the full text of all treaties and international agreements registered or filed and recorded by the Secretariat since 1945, pursuant to Article 102 of the UN Charter.¹ This publication was previously available only in hard copy but is now available as a fully-searchable on-line database.

¹ Article 102 of the UN Charter:
1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.
LISTS OF INTERNATIONAL AGREEMENTS

The lists below include all binding and potentially binding multilateral international agreements signed, ratified or acceded to by Namibia. They do NOT include non-binding memoranda of understanding or other non-binding international documents. They do NOT include bilateral agreements, regardless of whether or not they are binding.

Treaties which have been ratified or acceded to by Namibia but have not yet satisfied the conditions for coming into force internationally are indicated with an asterisk (*). These will become binding on Namibia as soon as they come into force internationally.

Treaties which have been signed but not yet ratified or acceded to by Namibia are indicated with a double asterisk (**). These are not binding on Namibia, regardless of whether or not they are in force internationally. They are listed here because signature of an international agreement generally indicates an intention to become a party to the agreement at some future point.

Treaties which were entered into prior to Namibian independence that appear to continue to be binding on Namibia are indicated by a cross (†).

Three lists of the agreements in the Namlex Appendix are provided here:

(1) **Alphabetical list:** One list includes all the global and regional agreements together in a single alphabetical list, with asterisks being used to indicate which treaties are potentially binding on Namibia because they are not yet in force internationally or because they have been signed but not yet ratified/acceded to by Namibia.

(2) **Status list:** The second list divides the agreements into status categories:
   (a) agreements binding on Namibia
   (b) agreements which will become binding on Namibia as soon as they come into force internationally
   (c) agreements signed but not yet ratified or acceded to by Namibia

(3) **Treaty groups:** The third list indicates certain related groups of treaties, since the titles of such treaties do not always make their connection clear. For example, the titles of the different ILO Conventions and SADC Protocols clearly group them together, but this is not true for the different ITU treaties which do not all indicate their connection to the ITU in the title.

Some other potentially-binding treaties are discussed at the end of the Appendix, for information, without being included in the lists presented here. For example, the information at the end of the document includes some treaties which were approved by Namibia's National Assembly, but where no international action was taken to become party to them (ie not even signature by Namibia).
Alphabetical list

* treaties signed and ratified by Namibia, which have not yet satisfied the conditions for coming into force internationally
** treaties signed by Namibia but not yet ratified or acceded to by Namibia
† treaties which were entered into prior to Namibian independence but appear to continue to be binding on Namibia

    Amendment to the Partnership Agreement, Luxembourg, 2005
    Amendment to the Partnership Agreement, Ouagadougou, 2010
African Charter on Democracy, Elections and Governance, 2007
African Charter on Human and Peoples’ Rights (Banjul Charter), 1981
African Charter on Statistics, 2009
African Charter on the Rights and Welfare of the Child (ACRWC or Children’s Charter), 1990
African Charter on Values and Principles of Public Service and Administration, 2011
**African Convention on the Conservation of Nature and Natural Resources (Revised Version), 2009
African Maritime Transport Charter, 1993
African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA), 1990
**African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009
**African Union Non-Aggression and Common Defence Pact, 2005
African Youth Charter, 2006
**Agreement among the Governments of the Democratic Republic of Congo, the Republic of Namibia and the Republic of Zambia on the Establishment of the Walvis Bay-Ndola-Lubumbashi Development Corridor (WBNLDC), 2010
Agreement between the Governments of the Republic of Angola, the Republic of Botswana, and the Republic of Namibia on the establishment of a permanent Okavango river basin water commission (OKACOM), 1994
Agreement between the Governments of the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia and the Republic of South Africa on the Establishment of the Orange-Sengu River Commission (ORASECOM), 2000
Agreement Establishing the International Fund for Agricultural Development, 1976
Agreement Establishing the Nordic-Southern African Development Community Fund and the Nordic-Southern African Development Community Agency (NORSAD), 1990
†Agreement Establishing the World Trade Organization (WTO) (the Marrakesh Agreement), 1994
    Marrakesh Final Act, 1994
    Marrakesh Declaration, 1994
    †General Agreement on Tariffs and Trade, 1994
    †General Agreement on Tariffs and Trade, 1947
    Understanding on the Interpretation of Article II:1(b) of GATT, 1994 – other duties and charges
    Understanding on the Interpretation of Article XVII of GATT, 1994 – state trading enterprises
    Understanding on Balance-of-Payments Provisions of GATT, 1994
Understanding on the Interpretation of Article XXIV of GATT, 1994 – regional trade agreements
Understanding in Respect of Waivers of Obligations under GATT, 1994
Understanding on the Interpretation of Article XXVIII of GATT, 1994 – concession withdrawal
Marrakesh Protocol to GATT, 1994
Agreement on Agriculture, 1994
Agreement on Sanitary and Phytosanitary Measures (SPS), 1994
Agreement on Technical Barriers to Trade (TBT), 1994
Agreement on Trade Related Aspects of Investment Measures (TRIMs), 1994
Agreement on Preshipment Inspection (PSI), 1994
Agreement on Rules of Origin, 1994
Agreement on Import Licensing Procedures, 1994
Agreement on Subsidies and Countervailing Measures, 1994
Safeguards Agreement, 1994
General Agreement on Trade in Services (GATS), 1994
Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994
Understanding on Rules and Procedures Governing the Settlement of Disputes, 1994
Trade Policy Review Mechanism, 1994
Agreement for a ceasefire in the Democratic Republic of the Congo (Lusaka Ceasefire Agreement), 1999
Agreement for the Establishment of the Africa Institute for the Environmentally Sound Management of Hazardous and Other Wastes, 2004
Agreement for the Establishment of the African Export-Import Bank (Afreximbank), 1993
Agreement for the Establishment of the African Rehabilitation Institute (ARI), 1981
Agreement for the Establishment of the Intergovernmental Organization for Marketing Information and Cooperation Services for Fishery Products in Africa (INFOPÊCHE), 1991
Agreement for the Establishment of the Southern African Centre for Ivory Marketing (SACIM), 1991
Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2009
Agreement on the Establishment of the Zambezi Watercourse Commission (ZAMCOM), 2004
Agreement relating to the International Telecommunications Satellite Organisation (INTELSAT), 1971
Amendment of Article XVII(f) of the Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), 1995
Amendments of the Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), 2000
**Agreement to Establish the South Centre, 1994**
Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993
Agricultural Agreement between the Southern African Customs Union (SACU) States and Iceland, 2006
Agricultural Agreement between the Southern African Customs Union (SACU) States and Norway, 2006
Agricultural Agreement between the Southern African Customs Union (SACU) States and Switzerland, 2006
**Arms Trade Treaty (ATT), 2013**
Articles of Agreement of the International Bank for Reconstruction and Development (IBRD), 1944
Articles of Agreement of the International Finance Corporation (IFC), 1955
Articles of Agreement of the International Monetary Fund (IMF), 1944
**Beijing Treaty on Audiovisual Performances, 2012**
Benguela Current Convention, 2013
†Berne Convention for the Protection of Literary and Artistic Works, 1886, as revised at Berlin (1908)
†Berne Convention for the Protection of Literary and Artistic Works, 1886, as revised in 1971 and amended in 1979
Charter Establishing the Centre for Coordination of Agricultural Research and Development (CCARDESA), 2010
Charter of Fundamental Social Rights in SADC, 2003
Charter of the Regional Tourism Organisation of Southern Africa (RETOSA), 1997
Charter of the United Nations (UN), 1945
*Comprehensive Nuclear-Test-Ban Treaty, 1996
Constitution and Convention of the International Telecommunication Union (ITU), 1992
†Constitution of the Food and Agriculture Organization of the United Nations (FAO), 1945
†Constitution of the International Labour Organization (ILO), 1919, as amended
*Instrument of Amendment of the ILO Constitution, 1986 (not yet binding)
Instrument of Amendment of the ILO Constitution, 1997
†Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO), 1945
†Constitution of the United Nations Industrial Development Organization (UNIDO), 1979
Constitution of the Universal Postal Union (UPU), 1964
†Constitution of the World Health Organization (WHO), 1946
*Amendment to Article 7 of the Constitution of the World Health Organization, 1965
*Amendment to Article 74 of the Constitution of the World Health Organization, 1978
Amendments to Articles 24 and 25 of the Constitution of the World Health Organization, 1986
Constitutive Act of the African Union, 2000
Protocol relating to the Establishment of the Peace and Security Council of the African Union, 2002
**Protocol on Amendments to the Constitutive Act of the African Union, 2003
**Protocol on the Court of Justice of the African Union, 2003
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
Convention against Transnational Organized Crime (Palermo Convention), 2000
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000
Protocol against the Smuggling of Migrants by Land, Sea and Air, 2000
Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972
Convention Establishing a Customs Co-operation Council, 1950
Convention Establishing the Multilateral Investment Guarantee Agency (MIGA), 1985
Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (Abidjan Convention), 1981, as amended
Additional Protocol to the Abidjan Convention concerning Cooperation in the Protection and Development of Marine and Coastal Environment from Land-based Sources and Activities in the Western, Central and Southern African Region, 2012
Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Hijacking Convention), 1970
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Sabotage Convention), 1971
Convention for the Unification of Certain Rules relating to International Carriage by Air (Montreal Convention), 1999

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Convention of the Pan-African Postal Union (PAPU), 1980
Convention of the World Meteorological Organization (WMO), 1947
Convention on Biological Diversity (Biodiversity Convention), 1992
  Cartagena Protocol on Biosafety to the Convention on Biological Diversity, Montreal, 2000
  Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, 2010
**Convention on Cluster Munitions, 2008
Convention on International Civil Aviation (Chicago Convention), 1944
  Protocol on the Authentic Quadrilingual Text of the Convention, Montreal, 1977
  Protocol relating to an Amendment to the Convention (Final Clause, Russian Text), Montreal, 1977
  Protocol relating to an Amendment to the Convention (Article 83bis), Montreal, 1980
  Protocol relating to an Amendment to the Convention (Article 3bis), Montreal, 1984
  Protocol relating to an Amendment to the Convention (Article 56), Montreal, 1989
  Protocol relating to an Amendment to the Convention (Article 50(a)), Montreal, 1990
  *Protocol on the Authentic Quinquelingual Text of the Convention, Montreal, 1995
  *Protocol relating to an Amendment to the Convention (Final Clause, Arabic Text), Montreal, 1995
  *Protocol on the Authentic Six-Language Text of the Convention, Montreal, 1998
  *Protocol relating to an Amendment to the Convention (Final Clause, Chinese Text), Montreal, 1998
  Amendment to Article XI of the Convention, Bonn 1979
Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention), 1963
Convention on Psychotropic Substances, 1971
  Optional Protocol to Convention on Rights of Persons with Disabilities, 2006
Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean, 2001
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979
  Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, 1999
Convention on the International Maritime Organization (IMO), 1948
  Amendments to Articles 17 and 18 of the Convention on the International Maritime Organization, 1964
  Amendment to article 28 of the Convention on the International Maritime Organization, 1965
  Amendments to Articles 10, 16, 17, 18, 20, 28, 31 and 32 of the Convention on the International Maritime Organization, 1974
  Amendments to the title and substantive provisions of the Convention on the International Maritime Organization, 1977
  Amendments to the Convention on the International Maritime Organization relating to the institutionalization of the Committee on Technical Co-operation in the Convention, 1977
  Amendments to Articles 17, 18, 20 and 51 of the Convention on the International Maritime Organization, 1979
  Amendments to the Convention on the International Maritime Organization (institutionalization of the Facilitation Committee), 1991
  Amendments to Articles 16, 17 and 19(b) of the Convention on the International Maritime Organization, 1993
Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs), as amended
Amendment to the Convention on the Physical Protection of Nuclear Material (renaming the convention as Convention on the Physical Protection of Nuclear Material and Nuclear Facilities), 2005

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973


Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1993

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Treaty), 1997

Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005


Convention on the Rights of the Child, 1989

Amendment to Article 43(2) of the Convention on the Rights of the Child adopted by the Conference of the States Parties, 1995

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000


**Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention), 1965

Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention), 1971

Protocol to amend the Convention on Wetlands of International Importance especially Waterfowl Habitat, 1982

Amendments to Article 6 and 7 of the Convention on Wetlands of International Importance especially Waterfowl Habitat, 1987


Convention relating to the Status of Refugees, 1951

Protocol relating to the Status of Refugees (New York Protocol), 1967

Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, 2016

Free Trade Agreement between the European Free Trade Association (EFTA) and the Southern African Customs Union (SACU), 2006

General Convention on the Privileges and Immunities of the Organisation of African Unity (OAU), 1965

†Geneva Convention for the Amelioration of Condition of Wounded and Sick in Armed Forces in the Field (First Geneva Convention), 1949

†Geneva Convention for the Amelioration of Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), 1949

†Geneva Convention on Road Traffic, 1949

†Geneva Convention relative to Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 1949

†Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention), 1949

Note: The Geneva Protocols are separate treaties that build upon all four Geneva Conventions and so are listed as separate entries: †Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977 and †Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977.

Hague Agreement concerning the International Registration of Industrial Designs (Hague System), 1925, as governed by the 1999 Geneva Act


ILO Convention 29 concerning Forced or Compulsory Labour, 1930

Protocol of 2014 to the Forced Labour Convention, 1930

ILO Convention 87 concerning the Freedom of Association and the Right to Organise, 1948
ILO Convention 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, 1949
ILO Convention 100 concerning Equal Remuneration, 1951
ILO Convention 105 concerning the Abolition of Forced Labour, 1957
ILO Convention 111 concerning Discrimination in Respect of Employment and Occupation, 1958
ILO Convention 138 concerning Minimum Age for Admission to Employment, 1973
ILO Convention 144 concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, 1976
ILO Convention 150 concerning Labour Administration: Role, Functions and Organisation, 1978
ILO Convention 158 concerning Termination of Employment at the Initiative of the Employer, 1982
ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999

Note: In these lists, the numbers of the respective ILO Conventions have been placed at the front of their respective names to make searches for each of these conventions easier. Technically, the numbers appear at the end. For example, what is listed here as “ILO Convention 29 concerning Forced or Compulsory Labour, 1930” is in fact “ILO Convention concerning Forced or Compulsory Labour (No. 29), 1930”. The titles in the entries in the Namlex Appendix are the ones which are technically correct.

International Agreement for the Creation of an International Office for dealing with Contagious Diseases of Animals (Arrangement international pour la création, à Paris, d’un Office international des épizooties), 1925
International Convention against Doping in Sport, 2005
International Convention against the Taking of Hostages, 1979
International Convention for the Conservation of Atlantic Tunas (ICCAT), 1966, as amended
Paris Protocol, 1984
Madrid Protocol, 1992
International Convention for the Prevention of Pollution from Ships (MARPOL), 1973, as modified by the Protocol of 1978
Annex I Regulations for the Prevention of Pollution by Oil, as amended
Annex II Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk, as amended
Optional Annex III Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form, as amended
Optional Annex V Prevention of Pollution by Garbage from Ships, as amended
International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended
Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, as amended
International Convention for the Suppression of Acts of Nuclear Terrorism, 2005
International Convention for the Suppression of Terrorist Bombings, 1997
International Convention for the Suppression of the Financing of Terrorism, 1999
International Convention for the Unification of Certain Rules relating to the arrest of Sea-Going Ships, 1952
International Convention on Load Lines, 1966, as amended
International Convention on Maritime Search and Rescue, 1979, as amended
International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW–F), 1995
International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended
International Convention on the Elimination of All Forms of Racial Discrimination, 1966
International Convention on the Harmonized Commodity Description and Coding System, 1983
International Convention on Tonnage Measurement of Ships, 1969, as amended
International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969

List of international agreements-7
Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973, as amended

International Covenant on Civil and Political Rights (ICCPR), 1966
Optional Protocol to the International Covenant on Civil and Political Rights, 1966
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty, 1989

International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

International Plant Protection Convention, 1961, as amended

International Telecommunication Regulations, 1988
**Final Acts of the World Conference on International Telecommunications (WCIT-12), Dubai 2012

International Treaty on Plant Genetic Resources for Food and Agriculture, 2001


Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore within the Framework of the African Regional Intellectual Property Organization, 2010

Madrid Agreement concerning the International Registration of Marks (Madrid System), 1891, as revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934), Nice (1957) and Stockholm (1967), and as amended in 1979


**Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, 2013

Minamata Convention on Mercury, 2013

**OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969

OAU Convention on the Prevention and Combating of Terrorism, 1999

Paris Agreement, 2015

Paris Convention for the Protection of Industrial Property, 1883, as revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934), Lisbon (1958) and Stockholm (1967), and as amended in 1979


Preferential Trade Agreement Between the Common Market of the South (MERCOSUR) and the Southern African Customs Union (SACU), 2009

†Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977

†Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977

Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969, as amended


†Radio Regulations as adopted by the World Administrative Radio Conference, 1979


List of international agreements-8


**Radio Regulations as adopted by the World Radiocommunication Conference (WRC-95), 1995**

**Final Acts of the World Radiocommunication Conference (WRC-97), Geneva 1997**


**Final Acts of the World Radiocommunication Conference (WRC-2007), Geneva 2007**

**Final Acts of the World Radiocommunication Conference (WRC-12), Geneva 2012**

**Regional Agreement GE06, adopted by RRC-06, relating to the planning of the digital terrestrial broadcasting service in Region 1 in the frequency bands 174-230 MHz and 470-862 MHz, 2006**

**Revised African Maritime Transport Charter, 2010** (which will supersede the African Maritime Transport Charter, 1993 when it comes into force)

Revised Constitution of the African Civil Aviation Commission (AFCAC), 2009

Rome Statute of the International Criminal Court, 1998

Agreement on the Privileges and Immunities of the International Criminal Court, 2002


SADC Mutual Defence Pact, 2003

SADC Protocol Against Corruption, 2001

*Agreement Amending the SADC Protocol on Corruption, 2016

SADC Protocol on Combating Illicit Drug Trafficking in the Southern African Region, 1996

SADC Protocol on Culture, Information and Sport, 2001

SADC Protocol on Education and Training, 1997

**SADC Protocol on Employment and Labour, 2014

SADC Protocol on Energy, 1996

**SADC Protocol on Environmental Management for Sustainable Development, 2014

SADC Protocol on Extradition, 2002

SADC Protocol on Finance and Investment, 2006

*Agreement Amending Annex 1 (Co-operation on investment) of the Protocol on Finance and Investment, 2016

SADC Protocol on Fisheries, 2001

SADC Protocol on Forestry, 2002

SADC Protocol on Gender and Development, 2008

SADC Protocol on Health, 1999

SADC Protocol on Immunities and Privileges, 1992

SADC Protocol on Legal Affairs, 2000

SADC Protocol on Mining, 1997

SADC Protocol on Mutual Legal Assistance in Criminal Matters, 2002


Agreement amending the Protocol on Politics, 2009

*SADC Protocol on Science, Technology and Innovation, 2008

SADC Protocol on Shared Watercourse Systems, 1995

*Note: This Protocol has been repealed and replaced by the SADC Revised Protocol on Shared Watercourses, 2000, for the SADC member states that are parties to the Revised Protocol. The 1995 Protocol remains in force between Namibia and SADC states that are a party to it but not to the Revised Protocol.

SADC Protocol on the Control of Firearms, Ammunition and other Related Materials in the Southern African Development Community Region, 2001


Agreement amending the Protocol on the Development of Tourism, 2009

**SADC Protocol on the Facilitation of Movement of Persons, 2005


SADC Agreement Amending the Protocol on the Tribunal, 2002

SADC Agreement Amending the Protocol on the Tribunal, 2007

SADC Agreement Amending Article 6 of the Protocol on Tribunal, 2008

**SADC Protocol on the Tribunal, 2014
SADC Protocol on Trade, 1996
Amendment Protocol on Trade, 2000
Agreement Amending Article 20 of the Protocol on Trade, 2008
**SADC Protocol on Trade in Services, 2012
SADC Protocol on Transport, Communications and Meteorology, 1996
SADC Protocol on Wildlife Conservation and Law Enforcement, 1999
SADC Revised Protocol on Shared Watercourses, 2000
Single Convention on Narcotic Drugs, 1961
Protocol Amending the Single Convention on Narcotic Drugs, 1972
South African Customs Union Agreement (SACU), 2002
Amendments to the SACU Agreement, 2002, to institutionalise the SACU Summit, 2013
Annex E to the SACU Agreement on Mutual Administrative Assistance, 2011
†Statute of the International Atomic Energy Agency (IAEA), 1956, as amended
Statute of the International Court of Justice (see Charter of the United Nations (UN), 1945)
Statute of the International Renewable Energy Agency (IRENA), 2009
Statutes of the International Centre for Genetic Engineering and Biotechnology (ICGEB), 1983
Protocol to the Statutes of the International Centre for Genetic Engineering and Biotechnology
on the Seat of the Centre, 2007
Statutes of the International Institute for Democracy and Electoral Assistance (International IDEA), 2006, as amended
Statutes of the World Tourism Organization (UNWTO), 1970
Amendment to Article 38 of the Statutes of the World Tourism Organization, 1979
Trade, Investment, and Development Cooperative Agreement between SACU and the United States of America (TIDCA), 2008
Treaty Establishing the African Economic Community (AEC), 1991
Treaty of the Southern African Development Community (SADC), 1992
Agreement Amending the Treaty, 2001
Agreement Amending Article 22 of the Treaty, 2007
Agreement Amending the Treaty, 2008
Agreement Amending the Treaty, 2009 – DES
Agreement Amending the Treaty 2009 – ORGAN
Treaty on the Establishment of the Kavango Zambezi Transfrontier Conservation Area (KAZA TFCA), 2011
Treaty on the Non-Proliferation of Nuclear Weapons, 1968
**Tripartite Free Trade Agreement (TFTA), 2015
United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988
Agreement relating to the Implementation of Part XI of the United Nations Convention on the
Convention on the Law of the Sea of 10 December 1982 relating to the Conservation
and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (Fish
Stocks Agreement), 1995
**Protocol on the Privileges and Immunities of the International Seabed Authority, 1998
United Nations Convention to Combat Desertification in those Countries Experiencing Serious
Drought and/or Desertification, Particularly in Africa, 1994
United Nations Framework Convention on Climate Change, 1992
Kyoto Protocol to the UN Framework Convention on Climate Change, 1997
Vienna Convention for the Protection of the Ozone Layer, 1985
Montreal Protocol on Substances that Deplete the Ozone Layer, 1987
Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at
the Second Meeting of the Parties on 29 June 1990
Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at
the Fourth Meeting of the Parties at Copenhagen on 25 November 1992

List of international agreements-10
Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted by the Ninth Meeting of the Parties at Montreal on 17 September 1997
Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, at the Eleventh Meeting of the Parties on 3 December 1999

Vienna Convention on Consular Relations, 1963
Vienna Convention on Diplomatic Relations, 1961
WHO Framework Convention on Tobacco Control (WHO FCTC), 2003
**WIPO Copyright Treaty (WCT), 1996**
**WIPO Performances and Phonograms Treaty (WPPT), 1996**
World Heritage Convention, 1972
Status list

* treaties signed and ratified by Namibia, which have not yet satisfied the conditions for coming into force internationally

** treaties signed by Namibia but not yet ratified or acceded to by Namibia

† treaties which were entered into prior to Namibian independence but appear to continue to be binding on Namibia

(a) Agreements binding on Namibia

Amendment to the Partnership Agreement, Luxembourg, 2005
Amendment to the Partnership Agreement, Ouagadougou, 2010

African Charter on Democracy, Elections and Governance, 2007

African Charter on Human and Peoples’ Rights (Banjul Charter), 1981

African Charter on the Rights and Welfare of the Child (ACRWC or Children’s Charter), 1990

African Charter on Statistics, 2009
African Charter on Values and Principles of Public Service and Administration, 2011


African Maritime Transport Charter, 1993


African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA), 1990


African Youth Charter, 2006

Agreement between the Governments of the Republic of Angola, the Republic of Botswana, and the Republic of Namibia on the establishment of a permanent Okavango river basin water commission (OKACOM), 1994

Agreement between the Governments of the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia and the Republic of South Africa on the Establishment of the Orange-Sengu River Commission (ORASECOM), 2000


Agreement Establishing the International Fund for Agricultural Development, 1976

Agreement Establishing the Nordic-Southern African Development Community Fund and the Nordic-Southern African Development Community Agency (NORXAD), 1990

†Agreement Establishing the World Trade Organization (WTO) (the Marrakesh Agreement), 1994

Marrakesh Final Act, 1994
Marrakesh Declaration, 1994
†General Agreement on Tariffs and Trade, 1994
†General Agreement on Tariffs and Trade, 1947
Understanding on the Interpretation of Article II:1(b) of GATT, 1994 – other duties and charges
Understanding on the Interpretation of Article XVII of GATT, 1994 – state trading enterprises
Understanding on Balance-of-Payments Provisions of GATT, 1994
Understanding on the Interpretation of Article XXIV of GATT, 1994 – regional trade agreements
Understanding in Respect of Waivers of Obligations under GATT, 1994
Understanding on the Interpretation of Article XXVIII of GATT, 1994 – concession withdrawal
Marrakesh Protocol to GATT, 1994
Agreement on Agriculture, 1994
Agreement on Sanitary and Phytosanitary Measures (SPS), 1994
Agreement on Technical Barriers to Trade (TBT), 1994
Agreement on Trade Related Aspects of Investment Measures (TRIMs), 1994
Agreement on Preshipment Inspection (PSI), 1994
Agreement on Rules of Origin, 1994
Agreement on Import Licensing Procedures, 1994
Agreement on Subsidies and Countervailing Measures, 1994
Safeguards Agreement, 1994
General Agreement on Trade in Services (GATS), 1994
Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994
Understanding on Rules and Procedures Governing the Settlement of Disputes, 1994
Trade Policy Review Mechanism, 1994
Agreement for a ceasefire in the Democratic Republic of the Congo (Lusaka Ceasefire Agreement), 1999
Agreement for the Establishment of the Africa Institute for the Environmentally Sound Management of Hazardous and Other Wastes, 2004
Agreement for the Establishment of the African Export-Import Bank (Afreximbank), 1993
Agreement for the Establishment of the African Rehabilitation Institute (ARI), 1981
Agreement for the Establishment of the Intergovernmental Organization for Marketing Information and Cooperation Services for Fishery Products in Africa (INFOPECHE), 1991
Agreement for the Establishment of the Southern African Centre for Ivory Marketing (SACIM), 1991
Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2009
Agreement on the Establishment of the Zambezi Watercourse Commission (ZAMCOM), 2004
Agreement relating to the International Telecommunications Satellite Organisation (INTELSAT), 1971
Amendment of Article XVIII(f) of the Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), 1995
Amendments of the Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), 2000
Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993
Agricultural Agreement between the Southern African Customs Union (SACU) States and Iceland, 2006
Agricultural Agreement between the Southern African Customs Union (SACU) States and Norway, 2006
Agricultural Agreement between the Southern African Customs Union (SACU) States and Switzerland, 2006
Articles of Agreement of the International Bank for Reconstruction and Development (IBRD), 1944
Articles of Agreement of the International Finance Corporation (IFC), 1955
Articles of Agreement of the International Monetary Fund (IMF), 1944
Benguela Current Convention, 2013
†Berne Convention for the Protection of Literary and Artistic Works, 1886, as revised at Berlin (1908)
†Berne Convention for the Protection of Literary and Artistic Works, 1886, as revised in 1971 and amended in 1979
Charter Establishing the Centre for Coordination of Agricultural Research and Development (CCARDESA), 2010
Charter of Fundamental Social Rights in SADC, 2003
Charter of the Regional Tourism Organisation of Southern Africa (RETOSA), 1997
Charter of the United Nations (UN), 1945
Constitution and Convention of the International Telecommunication Union (ITU), 1992
†Constitution of the Food and Agriculture Organization of the United Nations (FAO), 1945
†Constitution of the International Labour Organization (ILO), 1919, as amended
*Instrument of Amendment of the ILO Constitution, 1986 (not yet binding)
Instrument of Amendment of the ILO Constitution, 1997
†Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO), 1945
†Constitution of the United Nations Industrial Development Organization (UNIDO), 1979
Constitution of the Universal Postal Union (UPU), 1964
†Constitution of the World Health Organization (WHO), 1946
*Amendment to Article 7 of the Constitution of the World Health Organization, 1965
*Amendment to Article 74 of the Constitution of the World Health Organization, 1978
Amendments to Articles 24 and 25 of the Constitution of the World Health Organization, 1986
Constitutive Act of the African Union, 2000
Protocol relating to the Establishment of the Peace and Security Council of the African Union, 2002
**Protocol on Amendments to the Constitutive Act of the African Union, 2003
**Protocol on the Court of Justice of the African Union, 2003
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
Convention against Transnational Organized Crime (Palermo Convention), 2000
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000
Protocol against the Smuggling of Migrants by Land, Sea and Air, 2000
Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972
Convention Establishing a Customs Co-operation Council, 1950
Convention Establishing the Multilateral Investment Guarantee Agency (MIGA), 1985
Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (Abidjan Convention), 1981, as amended
Additional Protocol to the Abidjan Convention concerning Cooperation in the Protection and Development of Marine and Coastal Environment from Land-based Sources and Activities in the Western, Central and Southern African Region, 2012
Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Hijacking Convention), 1970
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Sabotage Convention), 1971
Convention for the Unification of Certain Rules relating to International Carriage by Air (Montreal Convention), 1999
Convention of the Pan-African Postal Union (PAPU), 1980
Convention of the World Meteorological Organization (WMO), 1947
Convention on Biological Diversity (Biodiversity Convention), 1992
Cartagena Protocol on Biosafety to the Convention on Biological Diversity, Montreal, 2000
Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, 2010
Convention on International Civil Aviation (Chicago Convention), 1944
Protocol on the Authentic Quadrilingual Text of the Convention, Montreal, 1977
Protocol relating to an Amendment to the Convention (Final Clause, Russian Text), Montreal, 1977
Protocol relating to an Amendment to the Convention (Article 83bis), Montreal, 1980
Protocol relating to an Amendment to the Convention (Article 3bis), Montreal, 1984
Protocol relating to an Amendment to the Convention (Article 56), Montreal, 1989
Protocol relating to an Amendment to the Convention (Article 50(a)), Montreal, 1990
*Protocol on the Authentic Quinquilingual Text of the Convention, Montreal, 1995
*Protocol relating to an Amendment to the Convention (Final Clause, Arabic Text), Montreal, 1995
*Protocol on the Authentic Six-Language Text of the Convention, Montreal, 1998
*Protocol relating to an Amendment to the Convention (Final Clause, Chinese Text), Montreal, 1998

Amendment to Article XI of the Convention, Bonn 1979

Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention), 1963

Convention on Psychotropic Substances, 1971

Optional Protocol to Convention on Rights of Persons with Disabilities, 2006

Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean, 2001


Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979
Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, 1999

Convention on the International Maritime Organization (IMO), 1948
Amendments to Articles 17 and 18 of the Convention on the International Maritime Organization, 1964
Amendment to article 28 of the Convention on the International Maritime Organization, 1965
Amendments to Articles 10, 16, 17, 18, 20, 28, 31 and 32 of the Convention on the International Maritime Organization, 1974
Amendments to the title and substantive provisions of the Convention on the International Maritime Organization, 1977
Amendments to the Convention on the International Maritime Organization relating to the institutionalization of the Committee on Technical Co-operation in the Convention, 1977
Amendments to Articles 17, 18, 20 and 51 of the Convention on the International Maritime Organization, 1979
Amendments to the Convention on the International Maritime Organization (institutionalization of the Facilitation Committee), 1991
Amendments to Articles 16, 17 and 19(b) of the Convention on the International Maritime Organization, 1993

Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs), as amended


Amendment to the Convention on the Physical Protection of Nuclear Material (renaming the convention as Convention on the Physical Protection of Nuclear Material and Nuclear Facilities), 2005

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973


Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1993

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Treaty), 1997

Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005


Convention on the Rights of the Child, 1989
Amendment to Article 43(2) of the Convention on the Rights of the Child adopted by the Conference of the States Parties, 1995
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000
Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention), 1971
Protocol to amend the Convention on Wetlands of International Importance especially Waterfowl Habitat, 1982
Amendments to Article 6 and 7 of the Convention on Wetlands of International Importance especially Waterfowl Habitat, 1987
Convention relating to the Status of Refugees, 1951
Protocol relating to the Status of Refugees (New York Protocol), 1967
Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, 2016
Free Trade Agreement between the European Free Trade Association (EFTA) and the Southern African Customs Union (SACU), 2006
General Convention on the Privileges and Immunities of the Organisation of African Unity (OAU), 1965
†Geneva Convention for the Amelioration of Condition of Wounded and Sick in Armed Forces in the Field (First Geneva Convention), 1949
†Geneva Convention for the Amelioration of Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), 1949
†Geneva Convention on Road Traffic, 1949
†Geneva Convention relative to Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 1949
†Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention), 1949
Note: The Geneva Protocols are separate treaties that build upon all four Geneva Conventions and so are listed as separate entries: †Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977 and †Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977.
Hague Agreement concerning the International Registration of Industrial Designs (Hague System), 1925, as governed by the 1999 Geneva Act
ILO Convention concerning Forced or Compulsory Labour, 1930
Protocol of 2014 to the Forced Labour Convention, 1930
ILO Convention concerning the Freedom of Association and the Right to Organise, 1948
ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, 1949
ILO Convention concerning Equal Remuneration, 1951
ILO Convention concerning the Abolition of Forced Labour, 1957
ILO Convention concerning Discrimination in Respect of Employment and Occupation, 1958
ILO Convention concerning Minimum Age for Admission to Employment, 1973
ILO Convention concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, 1976
ILO Convention concerning Labour Administration: Role, Functions and Organisation, 1978
ILO Convention concerning Termination of Employment at the Initiative of the Employer, 1982
ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999
Note: In these lists, the numbers of the respective ILO Conventions have been placed at the front of their respective names to make searches for each of these conventions easier. Technically, the numbers appear at the end. For example, what is listed here as “ILO Convention 29 concerning Forced or Compulsory Labour, 1930” is in fact “ILO Convention concerning Forced or Compulsory Labour (No. 29), 1930”. The
titles in the entries in the Namlex Appendix are the ones which are technically correct.

**International Agreement for the Creation of an International Office for dealing with Contagious Diseases of Animals (Arrangement international pour la création, à Paris, d’un Office international des épizooties), 1925**

**International Convention against Doping in Sport, 2005**

**International Convention against the Taking of Hostages, 1979**

**International Convention for the Conservation of Atlantic Tunas (ICCAT), 1966, as amended**

  Paris Protocol, 1984

  Madrid Protocol, 1992

**International Convention for the Prevention of Pollution from Ships (MARPOL), 1973, as modified by the Protocol of 1978**

  Annex I Regulations for the Prevention of Pollution by Oil, as amended

  Annex II Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk, as amended

  Optional Annex III Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form, as amended

  Optional Annex V Prevention of Pollution by Garbage from Ships, as amended

**International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended**

  Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, as amended

**International Convention for the Suppression of Acts of Nuclear Terrorism, 2005**

**International Convention for the Suppression of Terrorist Bombings, 1997**

**International Convention for the Suppression of the Financing of Terrorism, 1999**

**International Convention for the Unification of Certain Rules relating to the arrest of Sea-Going Ships, 1952**

**International Convention on Load Lines, 1966, as amended**


**International Convention on Maritime Search and Rescue, 1979, as amended**

**International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990**

**International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995**

**International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended**

†**International Convention on the Elimination of All Forms of Racial Discrimination, 1966**

**International Convention on the Harmonized Commodity Description and Coding System, 1983**

**International Convention on the Simplification and Harmonization of Customs Procedures (Revised Kyoto Convention), 1973, as amended in 1999**


**International Convention on Tonnage Measurement of Ships, 1969, as amended**

**International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969**

  Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973, as amended

**International Covenant on Civil and Political Rights (ICCPR), 1966**

  Optional Protocol to the International Covenant on Civil and Political Rights, 1966

  Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty, 1989

**International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966**

**International Plant Protection Convention, 1951, as amended**

**International Telecommunication Regulations, 1988**

  **Final Acts of the World Conference on International Telecommunications (WCIT-12), Dubai 2012**

**International Treaty on Plant Genetic Resources for Food and Agriculture, 2001**


Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore within the Framework of the African Regional Intellectual Property Organization, 2010
Madrid Agreement concerning the International Registration of Marks (Madrid System), 1891, as revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934), Nice (1957) and Stockholm (1967), and as amended in 1979
Minamata Convention on Mercury, 2013
OAU Convention on the Prevention and Combating of Terrorism, 1999
Paris Agreement, 2015
Paris Convention for the Protection of Industrial Property, 1883, as revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934), Lisbon (1958) and Stockholm (1967), and as amended in 1979
Preferential Trade Agreement Between the Common Market of the South (MERCOSUR) and the Southern African Customs Union (SACU), 2009
†Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977
†Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977
Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969, as amended
†Radio Regulations as adopted by the World Administrative Radio Conference, 1979
Revised Constitution of the African Civil Aviation Commission (AFCAC), 2009
Rome Statute of the International Criminal Court, 1998
Agreement on the Privileges and Immunities of the International Criminal Court, 2002
SADC Mutual Defence Pact, 2003
SADC Protocol Against Corruption, 2001
*Agreement Amending the SADC Protocol on Corruption, 2016
SADC Protocol on Combating Illicit Drug Trafficking in the Southern African Region, 1996
SADC Protocol on Culture, Information and Sport, 2001
SADC Protocol on Education and Training, 1997
SADC Protocol on Energy, 1996
SADC Protocol on Extradition, 2002
SADC Protocol on Finance and Investment, 2006
SADC Protocol on Fisheries, 2001
SADC Protocol on Forestry, 2002
SADC Protocol on Gender and Development, 2008
SADC Protocol on Health, 1999
SADC Protocol on Immunities and Privileges, 1992
SADC Protocol on Legal Affairs, 2000
SADC Protocol on Mining, 1997
SADC Protocol on Mutual Legal Assistance in Criminal Matters, 2002
Agreement amending the Protocol on Politics, 2009
SADC Protocol on Shared Watercourse Systems, 1995
Note: This Protocol has been repealed and replaced by the SADC Revised Protocol on Shared Watercourses, 2000, for the SADC member states that are parties to the Revised Protocol. The 1995 Protocol remains in force between Namibia and SADC states that are a party to it but not to the Revised Protocol.
SADC Protocol on the Control of Firearms, Ammunition and other Related Materials in the Southern African Development Community Region, 2001
Agreement amending the Protocol on the Development of Tourism, 2009
SADC Agreement Amending the Protocol on the Tribunal, 2002
SADC Agreement Amending the Protocol on the Tribunal, 2007
SADC Agreement Amending Article 6 of the Protocol on Tribunal, 2008
SADC Protocol on Trade, 1996
Amendment Protocol on Trade, 2000
Agreement Amending Article 20 of the Protocol on Trade, 2008
SADC Protocol on Transport, Communications and Meteorology, 1996
SADC Protocol on Wildlife Conservation and Law Enforcement, 1999
SADC Revised Protocol on Shared Watercourses, 2000
Single Convention on Narcotic Drugs, 1961
Protocol Amending the Single Convention on Narcotic Drugs, 1972
South African Customs Union Agreement (SACU), 2002
Amendments to the SACU Agreement, 2002, to institutionalise the SACU Summit, 2013
Annex E to the SACU Agreement on Mutual Administrative Assistance, 2011
†Statute of the International Atomic Energy Agency (IAEA), 1956, as amended
Statute of the International Court of Justice (see Charter of the United Nations (UN), 1945)
Statute of the International Renewable Energy Agency (IRENA), 2009
Statutes of the International Centre for Genetic Engineering and Biotechnology (ICGEB), 1983
Protocol to the Statutes of the International Centre for Genetic Engineering and Biotechnology on the Seat of the Centre, 2007
Statutes of the International Institute for Democracy and Electoral Assistance (International IDEA), 2006, as amended
Statutes of the World Tourism Organization (UNWTO), 1970
Amendment to Article 38 of the Statutes of the World Tourism Organization, 1979
Trade, Investment, and Development Cooperative Agreement between SACU and the United States of America (TIDCA), 2008
Treaty Establishing the African Economic Community (AEC), 1991
Treaty of the Southern African Development Community (SADC), 1992
Agreement Amending the Treaty, 2001
Agreement Amending Article 22 of the Treaty, 2007
Agreement Amending the Treaty, 2008
Agreement Amending the Treaty, 2009 – DES
Agreement Amending the Treaty 2009 – ORGAN
Treaty on the Establishment of the Kavango Zambezi Transfrontier Conservation Area (KAZA TFCA), 2011
Treaty on the Non-Proliferation of Nuclear Weapons, 1968
United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988


**Protocol on the Privileges and Immunities of the International Seabed Authority, 1998

United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 1994

United Nations Framework Convention on Climate Change, 1992

Kyoto Protocol to the UN Framework Convention on Climate Change, 1997

Vienna Convention for the Protection of the Ozone Layer, 1985

Montreal Protocol on Substances that Deplete the Ozone Layer, 1987

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at the Second Meeting of the Parties on 29 June 1990

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at the Fourth Meeting of the Parties at Copenhagen on 25 November 1992

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted by the Ninth Meeting of the Parties at Montreal on 17 September 1997

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, at the Eleventh Meeting of the Parties on 3 December 1999

Vienna Convention on Consular Relations, 1963

Vienna Convention on Diplomatic Relations, 1961

WHO Framework Convention on Tobacco Control (WHO FCTC), 2003

World Heritage Convention, 1972

(b) Agreements which will become binding on Namibia as soon as they come into force internationally

Note that this section lists only primary treaties, and not pending amendments and protocols to other treaties. The status of amendments and protocols can be consulted in the individual entries for the treaties in question.


* Comprehensive Nuclear-Test-Ban Treaty, 1996

* SADC Protocol on Science, Technology and Innovation, 2008

(c) Agreements signed but not yet ratified or acceded to by Namibia

** African Convention on the Conservation of Nature and Natural Resources (Revised Version), 2003

** African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009

** African Union Non-Aggression and Common Defence Pact, 2005

** Agreement among the Governments of the Democratic Republic of Congo, the Republic of Namibia and the Republic of Zambia on the Establishment of the Walvis Bay-Ndola-Lubumbashi Development Corridor (WBNLDC), 2010

** Agreement to Establish the South Centre, 1994

** Arms Trade Treaty (ATT), 2013

** Beijing Treaty on Audiovisual Performances, 2012

** Convention on Cluster Munitions, 2008

** Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention), 1965

** Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, 2013

** OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969

** Radio Regulations as adopted by the World Radiocommunication Conference (WRC-95), 1995


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**Final Acts of the World Radiocommunication Conference (WRC-2007), Geneva 2007**

**Final Acts of the World Radiocommunication Conference (WRC-12), Geneva 2012**

**Regional Agreement GE06, adopted by RRC-06, relating to the planning of the digital terrestrial broadcasting service in Region 1 in the frequency bands 174-230 MHz and 470-862 MHz, 2006**

**Revised African Maritime Transport Charter, 2010** (which will supersede the African Maritime Transport Charter, 1993 when it comes into force)

**SADC Protocol on Employment and Labour, 2014**

**SADC Protocol on Environmental Management for Sustainable Development, 2014**

**SADC Protocol on the Facilitation of Movement of Persons, 2005**

**SADC Protocol on the Tribunal, 2014**

**SADC Protocol on Trade in Services, 2012**

**Tripartite Free Trade Agreement (TFTA), 2015**

**WIPO Copyright Treaty (WCT), 1996**

**WIPO Performances and Phonograms Treaty (WPPT), 1996**
Treaty group lists

* treaties signed and ratified by Namibia, which have not yet satisfied the conditions for coming into force internationally
** treaties signed by Namibia but not yet ratified or acceded to by Namibia
† treaties which were entered into prior to Namibian independence but appear to continue to be binding on Namibia

(a) African Union (AU) / Organization of African Unity (OAU)

African Charter on Democracy, Elections and Governance, 2007
African Charter on Human and Peoples’ Rights (Banjul Charter), 1981
African Charter on Statistics, 2009
African Charter on the Rights and Welfare of the Child (ACRWC or Children’s Charter), 1990
African Charter on Values and Principles of Public Service and Administration, 2011
African Civil Aviation Commission Constitution (AFCAC), 1969
African Maritime Transport Charter, 1993
**African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009
**African Union Non-Aggression and Common Defence Pact, 2005
African Youth Charter, 2006
Agreement for the Establishment of the African Rehabilitation Institute (ARI), 1981
Constitutive Act of the African Union, 2000
Protocol relating to the Establishment of the Peace and Security Council of the African Union, 2002
**Protocol on Amendments to the Constitutive Act of the African Union, 2003
**Protocol on the Court of Justice of the African Union, 2003
General Convention on the Privileges and Immunities of the Organisation of African Unity (OAU), 1965
Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore within the Framework of the African Regional Intellectual Property Organization, 2010
**OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969
OAU Convention on the Prevention and Combating of Terrorism, 1999
**Revised African Maritime Transport Charter, 2010 (which will supersede the African Maritime Transport Charter, 1993 when it comes into force)
Revised Constitution of the African Civil Aviation Commission (AFCAC), 2009
Treaty Establishing the African Economic Community (AEC), 1991

(b) Food and Agriculture Organization (FAO)

Agreement for the Establishment of the Intergovernmental Organization for Marketing Information and Cooperation Services for Fishery Products in Africa (INFOPÊCHE), 1991
Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2009
Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993
Constitution of the Food and Agriculture Organization of the United Nations (FAO), 1945
Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean, 2001
International Convention for the Conservation of Atlantic Tunas (ICCAT), 1966, as amended
International Plant Protection Convention, 1951, as amended
International Treaty on Plant Genetic Resources for Food and Agriculture, 2001

(c) International Committee of the Red Cross (Geneva Conventions)
Geneva Convention for the Amelioration of Condition of Wounded and Sick in Armed Forces in the Field (First Geneva Convention), 1949
Geneva Convention for the Amelioration of Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), 1949
Geneva Convention relative to Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 1949
Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention), 1949
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977

(d) International Civil Aviation Organisation (ICAO)
Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Hijacking Convention), 1970
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Sabotage Convention), 1971
Convention for the Unification of Certain Rules relating to International Carriage by Air (Montreal Convention), 1999
Convention on International Civil Aviation (Chicago Convention), 1944
Protocol on the Authentic Quadrilingual Text of the Convention, Montreal, 1977
Protocol relating to an Amendment to the Convention (Final Clause, Russian Text), Montreal, 1977
Protocol relating to an Amendment to the Convention (Article 83bis), Montreal, 1980
Protocol relating to an Amendment to the Convention (Article 3bis), Montreal, 1984
Protocol relating to an Amendment to the Convention (Article 56), Montreal, 1989
Protocol relating to an Amendment to the Convention (Article 50(a)), Montreal, 1990
*Protocol on the Authentic Quinquilingual Text of the Convention, Montreal, 1995
*Protocol relating to an Amendment to the Convention (Final Clause, Arabic Text), Montreal, 1995
*Protocol on the Authentic Six-Language Text of the Convention, Montreal, 1998
*Protocol relating to an Amendment to the Convention (Final Clause, Chinese Text), Montreal, 1998

Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention), 1963

(e) International Labour Organization (ILO)
Constitution of the International Labour Organization (ILO), 1919, as amended
ILO Convention 29 concerning Forced or Compulsory Labour, 1930
Protocol of 2014 to the Forced Labour Convention, 1930
ILO Convention 87 concerning Freedom of Association and the Right to Organise, 1948
ILO Convention 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, 1949
ILO Convention 100 concerning Equal Remuneration, 1951
ILO Convention 105 concerning the Abolition of Forced Labour, 1957
ILO Convention 111 concerning Discrimination in Respect of Employment and Occupation, 1958
ILO Convention 138 concerning Minimum Age for Admission to Employment, 1973
ILO Convention 144 concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, 1976
ILO Convention 150 concerning Labour Administration: Role, Functions and Organisation, 1978
ILO Convention 158 concerning Termination of Employment at the Initiative of the Employer, 1982
ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999

(f) International Maritime Organization (IMO)
Constitution and Convention of the International Maritime Organization (IMO), 1948
International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended
Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, as amended
International Convention on Load Lines, 1966, as amended
International Convention on Maritime Search and Rescue, 1979, as amended
International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995
International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended
International Convention on Tonnage Measurement of Ships, 1969, as amended
International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969
Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973, as amended
Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969, as amended

(g) International Telecommunication Union (ITU)
Constitution and Convention of the International Telecommunication Union (ITU), 1992
International Telecommunication Regulations, 1988
**Final Acts of the World Conference on International Telecommunications (WCIT-12), Dubai 2012
†Radio Regulations as adopted by the World Administrative Radio Conference, 1979

List of international agreements-24
*Radio Regulations as adopted by the World Radiocommunication Conference (WRC-95), 1995
**Final Acts of the World Radiocommunication Conference (WRC-12), Geneva 2012
**Regional Agreement GE06, adopted by RRC-06, relating to the planning of the digital terrestrial broadcasting service in Region 1 in the frequency bands 174-230 MHz and 470-862 MHz, 2006

(h) Southern African Customs Union (SACU)
Agricultural Agreement between the Southern African Customs Union (SACU) States and Iceland, 2006
Agricultural Agreement between the Southern African Customs Union (SACU) States and Norway, 2006
Agricultural Agreement between the Southern African Customs Union (SACU) States and Switzerland, 2006
Free Trade Agreement between the European Free Trade Association (EFTA) and the Southern African Customs Union (SACU), 2006
Preferential Trade Agreement Between the Common Market of the South (MERCOSUR) and the Southern African Customs Union (SACU), 2009
South African Customs Union Agreement (SACU), 2002

(i) Southern African Development Community (SADC)
Agreement on the Establishment of the Zambezi Watercourse Commission (ZAMCOM), 2004
Charter Establishing the Centre for Coordination of Agricultural Research and Development (CCARDESA), 2010
Charter of Fundamental Social Rights in SADC, 2003
Charter of the Regional Tourism Organisation of Southern Africa (RETOSA), 1997
Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, 2016
Establishment of the Walvis Bay-Ndola-Lubumbashi Development Corridor (WBNLDC), 2010
SADC Mutual Defence Pact, 2003
SADC Protocol Against Corruption, 2001
*Agreement Amending the SADC Protocol on Corruption, 2016
SADC Protocol on Combating Illicit Drug Trafficking in the Southern African Region, 1996
SADC Protocol on Culture, Information and Sport, 2001
SADC Protocol on Education and Training, 1997
**SADC Protocol on Employment and Labour, 2014
SADC Protocol on Energy, 1996
**SADC Protocol on Environmental Management for Sustainable Development, 2014
SADC Protocol on Extradition, 2002
SADC Protocol on Finance and Investment, 2006
*Agreement Amending Annex I (Co-operation on investment) of the Protocol on Finance and Investment, 2016
SADC Protocol on Fisheries, 2001
SADC Protocol on Forestry, 2002
SADC Protocol on Gender and Development, 2008
SADC Protocol on Health, 1999
SADC Protocol on Immunities and Privileges, 1992
SADC Protocol on Legal Affairs, 2000
SADC Protocol on Mining, 1997
SADC Protocol on Mutual Legal Assistance in Criminal Matters, 2002
Agreement amending the Protocol on Politics, 2009
*SADC Protocol on Science, Technology and Innovation, 2008
SADC Protocol on Shared Watercourse Systems, 1995
Note: This Protocol has been repealed and replaced by the SADC Revised Protocol on Shared Watercourses, 2000, for the SADC member states that are parties to the Revised Protocol. The 1995 Protocol remains in force between Namibia and SADC states that are a party to it but not to the Revised Protocol.
SADC Protocol on the Control of Firearms, Ammunition and other Related Materials in the Southern African Development Community Region, 2001
Agreement amending the Protocol on the Development of Tourism, 2009
SADC Agreement Amending the Protocol on the Tribunal, 2002
SADC Agreement Amending the Protocol on the Tribunal, 2007
SADC Agreement Amending Article 6 of the Protocol on Tribunal, 2008
**SADC Protocol on the Tribunal, 2014
SADC Protocol on Trade, 1996
Amendment Protocol on Trade, 2000
Agreement Amending Article 20 of the Protocol on Trade, 2008
**SADC Protocol on Trade in Services, 2012
SADC Protocol on Transport, Communications and Meteorology, 1996
SADC Protocol on Wildlife Conservation and Law Enforcement, 1999
SADC Revised Protocol on Shared Watercourses, 2000
Treaty of the Southern African Development Community (SADC), 1992
Agreement Amending the Treaty, 2001
Agreement Amending Article 22 of the Treaty, 2007
Agreement Amending the Treaty, 2008
Agreement Amending the Treaty, 2009 – DES
Agreement Amending the Treaty 2009 – ORGAN
**Tripartite Free Trade Agreement (TFTA), 2015
(j) United Nations Educational, Scientific and Cultural Organization (UNESCO)
Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972
†Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO), 1945
Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005
Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention), 1971
Protocol to amend the Convention on Wetlands of International Importance especially Waterfowl Habitat, 1982
International Convention against Doping in Sport, 2005
World Heritage Convention, 1972
(k) World Bank Group
Articles of Agreement of the International Bank for Reconstruction and Development (IBRD), 1944
Articles of Agreement of the International Finance Corporation (IFC), 1955
Convention Establishing the Multilateral Investment Guarantee Agency (MIGA), 1985
**Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention), 1965
(l) World Intellectual Property Organization (WIPO)
**Beijing Treaty on Audiovisual Performances, 2012
†Berne Convention for the Protection of Literary and Artistic Works, 1886, as revised at Berlin (1908)
†Berne Convention for the Protection of Literary and Artistic Works, 1886, as revised in 1971 and amended in 1979
Madrid Agreement concerning the International Registration of Industrial Designs (Hague System), 1925, as governed by the 1999 Geneva Act
Madrid Agreement concerning the International Registration of Marks (Madrid System), 1891, as revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934), Nice (1957) and Stockholm (1967), and as amended in 1979
**Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, 2013
Paris Convention for the Protection of Industrial Property, 1883, as revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934), Lisbon (1958) and Stockholm (1967), and as amended in 1979
**WIPO Copyright Treaty (WCT), 1996
**WIPO Performances and Phonograms Treaty (WPPT), 1996

(m) World Trade Organisation (WTO)
†Agreement Establishing the World Trade Organization (WTO) (the Marrakesh Agreement), 1994
Marrakesh Final Act, 1994
Marrakesh Declaration, 1994
†General Agreement on Tariffs and Trade, 1947
Understanding on the Interpretation of Article II:1(b) of GATT, 1994 – other duties and charges
Understanding on the Interpretation of Article XVII of GATT, 1994 – state trading enterprises
Understanding on Balance-of-Payments Provisions of GATT, 1994
Understanding on the Interpretation of Article XXIV of GATT, 1994 – regional trade agreements
Understanding in Respect of Waivers of Obligations under GATT, 1994
Understanding on the Interpretation of Article XXVIII of GATT, 1994 – concession withdrawal
Marrakesh Protocol to GATT, 1994
Agreement on Agriculture, 1994
Agreement on Sanitary and Phytosanitary Measures (SPS), 1994
Agreement on Technical Barriers to Trade (TBT), 1994
Agreement on Trade Related Aspects of Investment Measures (TRIMs), 1994
Agreement on Pre shipment Inspection (PSI), 1994
Agreement on Rules of Origin, 1994
Agreement on Import Licensing Procedures, 1994
Agreement on Subsidies and Countervailing Measures, 1994
Safeguards Agreement, 1994
General Agreement on Trade in Services (GATS), 1994
Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994
Understanding on Rules and Procedures Governing the Settlement of Disputes, 1994
Trade Policy Review Mechanism, 1994
GLOBAL AGREEMENTS

Agreement Establishing the International Fund for Agricultural Development, 1976

Summary: The Agreement establishes the International Fund for Agricultural Development (IFAD), a specialized UN agency in the form of an international financial institution to finance agricultural development projects primarily for food production in the developing countries. The Agreement sets out the purpose, functions, finances, operations and management of the Fund.

Binding on Namibia: 16 October 1992 (Article 13(3)(b) of the Agreement)
- accession: 16 October 1992 (source: UNTC)
- entry into force internationally: 30 November 1977 (source: UNTC)

Depository: UN Secretary-General.

†Agreement Establishing the World Trade Organization (WTO) (the Marrakesh Agreement), 1994

Summary: The Agreement establishes the World Trade Organization (WTO). It is based on a single institutional framework encompassing the General Agreement on Tariffs and Trade (GATT), as modified by the Uruguay Round, General Agreement on Trade in Services (GATS), Trade-Related Aspects of Intellectual Property Rights (TRIPS), all agreements and arrangements concluded under the WTO auspices and the complete results of the Uruguay Round. The WTO is an international organization focused on establishing and enforcing a global, negotiated set of rules governing trade between and among nations. The Agreement also sets out the structure and functions of the WTO.

Binding on Namibia: 1 January 1995 (Article XI of the Agreement; WTO)
- entry into force internationally: 1 January 1995 (source: WTO)

Depository: WTO Director-General

Notes: Namibia deposited its “notices of succession” to the General Agreement on Tariffs and Trade (GATT) and all its amending and supplementing protocols under Article XXVI(5)(c) of GATT on 15 September 1992, but indicated that this was effective retroactively as of 21 March 1990 (source: UNTC; WTO). It is not clear what country/other entity Namibia “succeeded” to, or on what date such country/entity became a GATT member. However, it is likely that Namibia considered itself to be succeeding to a treaty entered into by South Africa on behalf of Namibia. While the General Agreement on Tariffs and Trade (GATT), 1947, does not appear to be listed in the UNIN study, Independent Namibia: Succession to Treaty Rights & Obligations, other GATT-related treaties are generally listed and categorized as category B or C treaties – that is, treaties entered into by South Africa on behalf of Namibia. This understanding would also correspond with the general distinction between treaties entered into on behalf of Namibia by the UNCN and by South Africa, namely that treaties entered into by the UNCN on behalf of Namibia are generally considered to continue to be binding on Namibia as from the date of accession by UNCN, whereas treaties entered into by South Africa are considered
binding on Namibia from the date of independence – but only if Namibia explicitly succeeded to them after independence.

Namibia became a WTO member automatically when the Uruguay round entered into force by virtue of its pre-existing GATT membership.

The WTO’s legal texts consist of over 60 agreements, annexes, decisions and understandings falling into six broad categories:
1. Agreement Establishing the WTO – the umbrella agreement to which the other texts are attached.
2. General Agreement on Tariffs and Trade (GATT) – rules governing international trade in goods (Annex 1A to the WTO Agreement)
3. General Agreement on Trade in Services (GATS) – rules governing international trade in services (Annex 1B to the WTO Agreement)
5. Dispute Settlement (Annex 2 to the WTO Agreement)

These primary legal texts, especially the GATT and GATS, contain a large number of annexes, protocols, and understandings that supplement the basic principles of the agreements. All of the individual treaties to which Namibia is a party by virtue of its membership of WTO are listed individually below. There are also over two dozen ministerial decisions and declarations adopted by the Trade Negotiations Committee in December 1993 and April 1994 that supplement the primary agreements.

Namibia is not a party to the post-1994 WTO agreements or any of the plurilateral trade agreements, such as the Information Technology Agreement (ITA), 1996, or the Agreement on Government Procurement (GPA).

This Agreement is referred to in the Industrial Property Act 1 of 2012.

Individual WTO Agreements:

**Marrakesh Final Act, 1994**

**Summary:** The “cover note” to the WTO Agreement.

**Binding on Namibia:** 1 January 1995

**Marrakesh Declaration, 1994**

**Summary:** Ministerial Declaration on the conclusion of the Uruguay round

**Binding on Namibia:** 1 January 1995

‡**General Agreement on Tariffs and Trade, 1994**

**Summary:** Modifies GATT, 1947

**Binding on Namibia:** 21 March 1990 (see First Note to WTO Agreement)

**Notes:** Must be read together with GATT, 1947

†**General Agreement on Tariffs and Trade, 1947**
Summary: General agreement aimed at the substantial reduction of tariffs and other barriers to trade and elimination of discriminatory treatment in international commerce.

Binding on Namibia: 21 March 1990 (see First Note to WTO Agreement)

Notes: Includes several amendments adopted since 1947, but incorporated in the form that governs under the GATT, 1994

Understanding on the Interpretation of Article II:1(b) of GATT, 1994 – other duties and charges

Summary: Provides interpretation instructions on “other duties or charges” levied on bound tariff items under Article II:1(b) of GATT, 1994 (in fact the text provided in GATT, 1947).

Binding on Namibia: 1 January 1995

Understanding on the Interpretation of Article XVII of GATT, 1994 – state trading enterprises

Summary: Provides details on obligations on WTO members in respect of regulated activities of state trading enterprises.

Binding on Namibia: 1 January 1995

Understanding on Balance-of-Payments Provisions of GATT, 1994

Summary: Provides details on application, consultation and notification regarding provisions of Articles XII and XVIII:B of GATT, 1994 (in fact the text provided in GATT, 1947) and of the Declaration on Trade Measures Taken for Balance-of-Payments Purposes adopted on 28 November 1979.

Binding on Namibia: 1 January 1995

Understanding on the Interpretation of Article XXIV of GATT, 1994 – regional trade agreements

Summary: Provides rules that ensure that rules governing regional customs unions and free-trade areas provided under Article XXIV of GATT, 1994 (in fact the text provided in GATT, 1947) are compatible with GATT, 1994.

Binding on Namibia: 1 January 1995

Understanding in Respect of Waivers of Obligations under GATT, 1994

Summary: Provides for requests for and termination of waivers to the obligations under GATT, 1994.

Binding on Namibia: 1 January 1995

Understanding on the Interpretation of Article XXVIII of GATT, 1994 – concession withdrawal
Summary: Provides rules on the modification and withdrawal of concessions pursuant to Article XXVIII of GATT, 1994 (in fact the text provided in GATT, 1947).

Binding on Namibia: 1 January 1995

Marrakesh Protocol to GATT, 1994

Summary: Provides the new country schedules for GATT, 1994

Binding on Namibia: 1 January 1995

Notes: Namibia’s schedules on tariffs are available from the Namibia country profile of the WTO website: www.wto.org/english/thewto_e/countries_e/namibia_e.htm.

Agreement on Agriculture, 1994

Summary: Regulates market access, domestic support and export subsidies in agricultural products.

Binding on Namibia: 1 January 1995

Agreement on Sanitary and Phytosanitary Measures (SPS), 1994

Summary: Provides rules and guidelines for harmonising food safety and animal and plant health regulations necessary in order to protect human, animal or plant life or health.

Binding on Namibia: 1 January 1995

Agreement on Technical Barriers to Trade (TBT), 1994

Summary: Extends and clarifies the Agreement on Technical Barriers to Trade reached in the Tokyo Round. Ensures that technical negotiations and standards, as well as testing and certification procedures, do not create unnecessary obstacles to trade.

Binding on Namibia: 1 January 1995

Agreement on Trade Related Aspects of Investment Measures (TRIMs), 1994

Summary: Prohibits TRIMs inconsistent with Articles III (national treatment) and XI (prohibition of quantitative restrictions) of GATT, 1994 (in fact the text provided in GATT, 1947) and requires notification and elimination of all non-conforming TRIMs.

Binding on Namibia: 1 January 1995


Summary: Provides detailed rules governing the application of measures against imports of a product at an export price below its “normal value”, in particular on the method of determining that a product is dumped, the criteria
to be taken into account in a determination that dumped imports cause injury to a domestic industry, the procedures to be followed in initiating and conducting anti-dumping investigations, and the implementation and duration of anti-dumping measures.

**Binding on Namibia:** 1 January 1995


**Summary:** Provides for a method to determine the value of merchandise for the purposes of customs duties.

**Binding on Namibia:** 1 January 1995

*Agreement on Preshipment Inspection (PSI), 1994*

**Summary:** Provides for obligations on PSI-user governments and exporting contracting parties towards PSI users. Recognizes that GATT principles and obligations apply to the activities of preshipment inspection agencies mandated by governments.

**Binding on Namibia:** 1 January 1995

*Agreement on Rules of Origin, 1994*

**Summary:** Aims at long-term harmonization of rules of origin, other than rules of origin relating to the granting of tariff preferences, and to ensure that such rules do not themselves create unnecessary obstacles to trade.

**Binding on Namibia:** 1 January 1995

*Agreement on Import Licensing Procedures, 1994*

**Summary:** Strengthens the disciplines on the users of import licensing systems.

**Binding on Namibia:** 1 January 1995

**Notes:** Replaces the 1979 Agreement on Import Licensing Procedures, the termination of which took effect on 1 January 1996.

*Agreement on Subsidies and Countervailing Measures, 1994*

**Summary:** Provides for the definition of subsidies and divides them into three categories: prohibited, actionable and non-actionable. Also sets out rules for the use of countervailing measures on subsidized imported goods.

**Binding on Namibia:** 1 January 1995

*Safeguards Agreement, 1994*

**Summary:** Prohibits so-called “grey area” measures, and sets a “sunset clause” on all safeguard actions, which are permitted to protect a specific domestic industry from an unforeseen increase of imports of any product
which is causing, or which is likely to cause, serious injury to the industry, permitted under Article XIX of GATT 1947.

**Binding on Namibia:** 1 January 1995

**General Agreement on Trade in Services (GATS), 1994**

**Summary:** Consists of a Framework Agreement containing basic obligations which apply to all member countries; national schedules of commitments containing specific further national commitments which will be the subject of a continuing process of liberalization; and a number of annexes addressing the special situations of individual services sectors.

**Binding on Namibia:** 1 January 1995

**Notes:** The national schedules of each WTO member, including Namibia, can be accessed via a search engine on the I-TIP website maintained jointly by the WTO and the World Bank: [http://i-tip.wto.org/services/%28S%28uv204ktkypvxqfp2551yyvig%29%29/default.aspx](http://i-tip.wto.org/services/%28S%28uv204ktkypvxqfp2551yyvig%29%29/default.aspx).

**Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994**

**Summary:** Addresses the applicability of basic GATT principles and those of relevant international intellectual property agreements, providing for basic level of protection of intellectual property rights and addressing international trade in counterfeit goods.

**Binding on Namibia:** 1 January 1995

**Notes:** This Agreement is cited in the **Industrial Property Act 1 of 2012**.

**Understanding on Rules and Procedures Governing the Settlement of Disputes, 1994**

**Summary:** Sets up the WTO Dispute Settlement Body and provides rules of procedure for the settlement of disputes under the WTO agreements.

**Binding on Namibia:** 1 January 1995

**Notes:** Namibia has thus far been involved only once as a party to a dispute before the WTO Dispute Settlement Body, as a third party in Case DS401: **EC — Seal Products**.

**Trade Policy Review Mechanism, 1994**

**Summary:** Establishes a review mechanism (including a Trade Policy Review Body) to enable the regular collective appreciation and evaluation of individual members’ trade policies and practices and their impact on the functioning of the multilateral trading system.

**Binding on Namibia:** 1 January 1995.
Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2009

Summary: The Agreement aims to prevent and eliminate illegal, unreported and unregulated fishing by requiring that fishing vessels request permission to dock at a port and inform the port of the details of its fishing operations. It provides for inspections of equipment, paperwork, catches, and ship’s records, among others.

Binding on Namibia: 17 August 2017 (Article 29(2) of the Agreement)
- accession: 18 July 2017 (source: FAO)
- entry into force internationally: 5 June 2016 (source: FAO)

Depositary: FAO Director-General

Agreement relating to the International Telecommunications Satellite Organisation (INTELSAT), 1971

Summary: The Agreement establishes the International Telecommunications Satellite Organization (ITSO), an organization charged with overseeing the public service obligations of INTELSAT.

Binding on Namibia: 3 December 1993 (Article 18(b) of the Agreement)
- signature: 11 October 1993 (source: Government of the United States of America)
- accession: 3 December 1993 (source: Government of the United States of America)
- entry into force internationally: 12 February 1973 (source: Government of the United States of America)

Depositary: Government of the United States of America

Amendments and protocols: Namibia has agreed to the amendments listed below, but has not yet agreed to the Amendment of the Agreement relating to the International Telecommunications Satellite Organization, 2007, which is not yet in force internationally (source: Government of the United States of America).

Amendment of Article XVII(f) of the Agreement relating to the International Telecommunications Satellite Organisation (INTELSAT), 1995

Binding on Namibia: 16 October 1996 (Article 15(e) of the Agreement)
- acceptance: 8 February 1996 (source: Government of the United States of America)
- entry into force internationally: 16 October 1996 (source: Government of the United States of America)

Amendments of the Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), 2000

Binding on Namibia: 30 November 2004 (Article 15(e) of the Agreement)
- approval by National Assembly: 8 July 2002 (source: Hansard)
- acceptance: 1 April 2003 (source: Government of the United States of America)
Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993

Summary: The Agreement sets out flag states’ responsibilities in respect of fishing vessels entitled to fly their flags and operating on the high seas, and strengthens international cooperation and transparency by providing for the exchange of information on high seas fishing.

Binding on Namibia: 24 April 2003
- acceptance: 7 August 1998 (source: FAO)
- entry into force internationally: 24 April 2003 (source: FAO)

Depositary: FAO Director-General.

**Arms Trade Treaty (ATT), 2013

Summary: The Treaty regulates the international trade in conventional arms, including small arms, battle tanks, combat aircraft and warships, among others.

Binding on Namibia: not yet binding
- signature: 25 September 2014 (source: UNTC)
- entry into force internationally: 24 December 2014 (source: UNTC)

Depositary: UN Secretary-General.

Articles of Agreement of the International Bank for Reconstruction and Development (IBRD), 1944

Summary: The Articles establish the International Bank for Reconstruction and Development (IBRD), the original institution of the World Bank Group, which aims to reduce poverty in middle-income countries and creditworthy poorer countries by promoting sustainable development through loans, guarantees, risk management products, and analytical and advisory services. The Articles set out the purpose, membership, operations and management of the Bank.

Binding on Namibia: 25 September 1990 (Article XI(2) of the Articles)
- accession: 25 September 1990 (source: World Bank Group)
- entry into force internationally: 27 December 1945 (source: World Bank Group)

Depositary: Government of the United States of America

Notes: The depositary does not appear to make information publicly available, and failed to provide it upon request.

Articles of Agreement of the International Finance Corporation (IFC), 1955
Summary: The Articles establish the International Finance Corporation, a member of the World Bank Group, as an international financial institution that offers investment, advisory, and asset management services to encourage private sector development in developing countries. The Articles set out the purpose, membership, operations and management of the Corporation.

Binding on Namibia: 25 September 1990 (Article IX(2) of the Articles)
- accession: 25 September 1990 (source: IBRD)
- entry into force internationally: 20 July 1956 (source: IBRD)

Depositary: International Bank for Reconstruction and Development (IBRD).

Articles of Agreement of the International Monetary Fund (IMF), 1944

Summary: The Articles establish the International Monetary Fund, an organisation working to foster global monetary cooperation, secure financial stability, facilitate international trade, promote high employment and sustainable economic growth, and reduce poverty around the world. The Articles set out the purpose, membership, operations and management of the Fund.

Binding on Namibia: 25 September 1990 (Article XXXI(2) of the Articles)
- accession: 25 September 1990 (source: IMF)
- entry into force internationally: 27 December 1945 (source: IMF)

Depositary: Government of the United States of America

Notes: The depositary does not appear to make information publicly available, and failed to provide it upon request.


Summary: The Convention controls and restricts the transboundary movement of hazardous wastes in order to promote human health and preservation of the environment.

Binding on Namibia: 13 August 1995 (Article 25(2) of the Convention)
- accession: 15 May 1995 (source: UNTC)
- entry into force internationally: 5 May 1992 (source: UNTC)

Depositary: UN Secretary-General

Notes: The Convention does not permit reservations. Egypt purported to make three declarations in 1995, having acceded to the Convention in 1993. One of these declarations also concerned Namibia. Several states (but not Namibia) objected to the declarations, some because they were considered to be impermissible reservations, others because they were made too late. The Secretary General decided, as a result of these objections, not to register the declarations.

Amendments and protocols: Namibia has not yet agreed to the Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous
**Beijing Treaty on Audiovisual Performances, 2012**

**Summary:** The Convention regulates copyright for audiovisual performances and expands the performers’ rights, such as the right of reproduction, distribution, rental and of making available.

**Binding on Namibia:** not yet binding
- signature: 26 June 2012 (source: WIPO)
- entry into force internationally: not yet in force (source: WIPO)

**Depositary:** WIPO Director-General.

†**Berne Convention for the Protection of Literary and Artistic Works, 1886, as revised at Berlin (1908)**

**Summary:** The Convention requires its member states to recognize the copyright of works of authors from other member states in the same way as it recognizes the copyright of its own nationals. For example, Namibian copyright law applies to anything published or performed in Namibia, regardless of where it was originally created. It also requires member states to provide strong minimum standards for copyright law.

**Binding on Namibia:** 21 March 1990 (source: WIPO)
- acceptance: 21 September 1993 by Declaration of Continued Application (source: WIPO)
- entry into force internationally: 5 December 1887 (source: WIPO)

**Depositary:** WIPO Director-General

**Notes:** Initially, South Africa continued to be bound by the Berlin Act (1908) which the United Kingdom had extended to its territories by way of “declaration of continued application” on 3 October 1928. According to UKTS 43:1931, South Africa subsequently extended the application to Namibia, but this information has not been confirmed by the present depositary despite queries having been made.

According to the depositary, Namibia made the following declaration (Berne Notification No. 151):

Declaration by the Republic of Namibia of Continued Application of the Berlin Act (1908) and Accession to the Paris Act (1971)

The Director General of the World Intellectual Property Organization (WIPO) presents his compliments to the Minister for Foreign Affairs and has the honor to notify him of the deposit, on September 21, 1993, by the Government of the Republic of Namibia, of a declaration stating that the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Berlin on November 13, 1908, and completed by the Protocol adopted at Berne on March 20, 1914, with the reservation, made pursuant to Article 27 of the said Convention so revised, as concerns works which have not fallen into the public domain in the country of origin, substituting for Article 18 thereof, Article 14 of the Berne Convention signed on September 9, 1886, and paragraph 4 of the Final Protocol to that Convention as amended by the additional Act of Paris of May 4, 1896, continues to be applicable in respect of the Republic of Namibia.
The said declaration also states that the Republic of Namibia accedes to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971, and amended on September 28, 1979 (Paris Act).

The Paris Act (1971) of the Berne Convention will enter into force, with respect to the Republic of Namibia, on December 24, 1993.

Thus, in addition to acceding to the latest version of the Berne Convention, namely the one revised in 1971 by the Paris Act and amended in 1979, Namibia also declared that it considers the Berne Convention as revised in 1908 by the Berlin Act to continue to be applicable. This declaration of “continued application” became binding on Namibia on the date of independence. While it is unclear how Namibia could choose to continue to apply a treaty that did not apply to Namibia upon independence (as South Africa is not a legally recognized predecessor state to Namibia), it seems likely that it was intended to apply to two situations: (i) to the period of time between Namibia’s independence and the time the accession to the Berne Convention as revised in 1971 and amended in 1979 became binding on Namibia (namely, from 21 March 1990 to 24 December 1993), and (ii) to Namibia’s relations with states that are members of the Convention as revised in 1908 by the Berlin Act but have not agreed to any subsequent Acts and, thus, later versions of the Convention.

Such an explanation seems to correspond to Article 32 (Applicability of this Act and of Earlier Acts) of the Convention as revised in 1971 and amended in 1979, which provides:

(1) This Act shall, as regards relations between the countries of the Union, and to the extent that it applies, replace the Berne Convention of September 9, 1886, and the subsequent Acts of revision. The Acts previously in force shall continue to be applicable, in their entirety or to the extent that this Act does not replace them by virtue of the preceding sentence, in relations with countries of the Union which do not ratify or accede to this Act.

(2) Countries outside the Union which become party to this Act shall, subject to paragraph (3), apply it with respect to any country of the Union not bound by this Act or which, although bound by this Act, has made a declaration pursuant to Article 28(1)(b). ....

Contrary to the text (but not the heading) of the above-mentioned notification by the WIPO Director-General, WIPO lists Namibia only as a member state to the 1908 Berlin Act, and not to the 1914 Berne Additional Protocol (source: WIPO).

Based on the statement by the WIPO Director-General quoted above, it also seems that the reservation pursuant to Article 27 of the Convention as revised in 1908 is limited to the ‘continued application’ of that Convention and does not apply to the Convention as revised in 1971 and amended in 1979 since no explicit declaration was made by Namibia to that effect as required by Article 30(2) of said Convention.

Certain provisions of Namibia’s Copyright and Neighbouring Rights Protection Act 6 of 1994 (GG 845) are made applicable to the member states of the Convention by GN 127/2001 (GG 2562).

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2 According to Article 27 of the Berlin Act (1908), the Berlin Act (1908) replaced the Paris Additional Act of 1896 (“The present Convention shall replace, in regard to the relations between the Contracting States, the Convention of Berne of the 9th September, 1886, including the Additional Article and the Final Protocol of the same date, as well as the Additional Act and the Interpretative Declaration of the 4th May, 1896.”).
Amendments and protocols: The text of the Convention has been amended by an Additional Protocol, Berne (1914) and by the Acts of Rome (1928), Brussels (1948) and Stockholm (1967). However, the declaration of continued application of the Berne Convention as revised in 1908 applies only to that version of the Convention and not to later amendments prior to Namibia’s accession to the latest version of the Berne Convention, namely the one revised in 1971 and amended in 1979. (As explained in the Notes, although the Declaration refers to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Berlin on November 13, 1908, and completed by the Protocol adopted at Berne on March 20, 1914, the depository does not list Namibia as a party to the 1914 Additional Protocol.)

†Berne Convention for the Protection of Literary and Artistic Works, 1886, as revised in 1971 and amended in 1979

Summary: The Convention requires its member states to recognize the copyright of works of authors from other member states in the same way as it recognizes the copyright of its own nationals. For example, Namibian copyright law applies to anything published or performed in Namibia, regardless of where it was originally created. It also requires member states to provide strong minimum standards for copyright law.

Binding on Namibia: 24 December 1993 (source: WIPO)
- accession: 21 September 1993 (source: WIPO)
- entry into force internationally: 5 December 1887 (source: WIPO)

Depositary: WIPO Director-General

Notes: As discussed in the previous entry, Namibia declared its accession to the latest version of the Berne Convention for the Protection of Literary and Artistic Works, 1886, as revised in 1971 by the Paris Act, and amended in 1979 on 21 September 1993 (Berne Notification No. 151, reproduced above). The 1971 Paris Act entered into force internationally on 10 October 1974 (source: WIPO). The 1979 Amendment is binding automatically on all members and subsequent members pursuant to Article 26(3) of the Convention.

Certain provisions of Namibia’s Copyright and Neighbouring Rights Protection Act 6 of 1994 (GG 845) are made applicable to the member states of the Convention by GN 127/2001 (GG 2562).

Amendments and protocols: The text of the Convention has been amended by an Additional Protocol, Berne (1914) and by the Acts of Rome (1928), Brussels (1948) and Stockholm (1967). However, as regards the accession to the Berne Convention as revised in 1971 and amended in 1979, Article 32(1) of the said Convention provides that it replaces any earlier Acts of revision.

Charter of the United Nations (UN), 1945

Summary: The Charter is the foundational treaty of the United Nations. It sets forth the purposes of the UN, including provisions on the maintenance of international peace and security. It also sets out the membership, UN bodies and their powers, and more generally the enforcement of the powers of UN bodies.
**Binding on Namibia:** 23 April 1990 (source: UNTC; see Notes)
- acceptance: 23 April 1990 (source: UNTC)
- entry into force internationally: 24 October 1945 (source: UNTC)

**Depositary:** Government of the United States of America

**Notes:** The depositary does not appear to make information publicly available, and failed to provide it upon request. The original member states signed and ratified the UN Charter in accordance with Article 110 of the Charter. Other members have been admitted after declaring their acceptance of the obligations contained in the Charter and subject to decision of the General Assembly upon the recommendation of the Security Council in accordance with Article 4 of the Charter. In case of Namibia the decision of the General Assembly to admit Namibia, and the registration and publication of the declaration, was effected by resolution S-18/1 (source: UNTC).

The **Statute of the International Court of Justice**, the principal judicial organ of the United Nations, forms an integral part of the Charter of the United Nations (Article 92 of the Charter). According to Article 93(1) of the Charter “[a]ll Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice”. However, it should be noted that the jurisdiction of the International Court of Justice in an individual case is not conferred based on such membership but requires a form of state consent (Article 36 of the Statute).

*Comprehensive Nuclear-Test-Ban Treaty, 1996*

**Summary:** The treaty bans nuclear explosions in all environments, for military or civilian purposes.

**Binding on Namibia:** not yet binding
- signature: 24 September 1996 (source: UNTC)
- ratification: 29 June 2001 (source: UNTC)
- entry into force internationally: not yet in force (source: UNTC)

**Depositary:** UN Secretary-General.

**Constitution and Convention of the International Telecommunication Union (ITU), 1992**

**Summary:** The Constitution and Convention provide the framework for setting up and governing the International Telecommunication Union (ITU), the United Nations specialized agency for information and communication technologies. Among the ITU’s tasks are allocating global radio spectrum and satellite orbits, and developing the technical standards that ensure networks and technologies interconnect.

**Binding on Namibia:** 4 August 1994 (Article 53(3) of the Constitution and Convention)
- accession: 4 August 1994 (source: ITU)
- entry into force internationally: 1 July 1994 (source: ITU)

**Depositary:** International Telecommunication Union (ITU)
**Amendments and protocols:** Article 8(1) of the Constitution of the International Telecommunication Union provides a Plenipotentiary Conference composed of delegations representing Members States shall be convened every four years. Article 8(2)(i) of the Constitution of the International Telecommunication Union states that the Plenipotentiary Conference shall consider and adopt, if appropriate, proposals for amendments to the Constitution and Convention in accordance with the provisions of Article 55 of the Constitution and the relevant provisions of the Convention respectively. From Namibia’s accession to date, the Constitution and Convention of the International Telecommunication Union have been amended by six Plenipotentiary Conferences: Kyoto, 1994; Minneapolis, 1998; Marrakesh, 2002; Antalya, 2006; Guadalajara, 2010, and Busan, 2014.

Namibia has signed but not yet ratified the **Instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992)** made by the Plenipotentiary Conferences in Kyoto, 1994; Minneapolis, 1998; Antalya 2006 or Guadalajara 2010. Namibia has not yet signed or ratified the amending instrument made by the Plenipotentiary Conference in Marrakesh 2002.

Namibia signed the Final Acts of the Plenipotentiary Conference in Busan 2014, but these did not include any instruments amending the Convention or the Constitution.

Namibia has also not yet agreed to the **Optional Protocol on the Compulsory Settlement of Disputes Relating to the Constitution of the International Telecommunication Union, to the Convention of the International Telecommunication Union and to the Administrative Regulations (Geneva, 1992)** (source: ITU).

**Instrument amending the Constitution of the International Telecommunication Union (Geneva, 1992), Kyoto 1994**

**Binding on Namibia:** not yet binding
- signature: 14 October 1994 (source: ITU)
- entry into force internationally: 1 January 1996 (source: ITU)

**Notes:** Namibia entered the following reservation upon signature: “In signing the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), subject to formal ratification, the delegation of the Republic of Namibia reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member fail in any way to comply with the requirements of the Constitution and the Convention, or the Annexes or the Protocols attached thereto, or should reservations by other countries jeopardize Namibia’s telecommunication services or lead to an increase in its contributory share towards defraying the expenses of the Union.” (source: ITU).

**Instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), Minneapolis 1998**

**Binding on Namibia:** not yet binding
- signature: 6 November 1998 (source: ITU)
- entry into force internationally: 1 January 2000 (source: ITU)

**Notes:** Namibia entered the following reservation upon signature: “The delegation of the Republic of Namibia, after having considered the
declarations contained in conference Document 311, in signing the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Minneapolis, 1998), reserves the right for the Government of the Republic of Namibia to take any measures it considers appropriate to safeguard its interest. The Namibian delegation further reserves for the Government of the Republic of Namibia the right to make any statements and reservations when depositing its instrument of ratification for the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Minneapolis, 1998)." (source: ITU).

**Instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), by the Plenipotentiary Conference (Minneapolis, 1998) and by the Plenipotentiary Conference (Marrakesh, 2002), Antalya 2006**

**Binding on Namibia:** not yet binding
- signature: 24 November 2006 (source: ITU)
- entry into force internationally: 1 January 2008 (source: ITU)

**Instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), by the Plenipotentiary Conference (Minneapolis, 1998), by the Plenipotentiary Conference (Marrakesh, 2002) and by the Plenipotentiary Conference (Antalya, 2006), Guadalajara 2010**

**Binding on Namibia:** not yet binding
- signature: 22 October 2006 (source: ITU)
- entry into force internationally: 1 January 2012 (source: ITU).

†Constitution of the Food and Agriculture Organization of the United Nations (FAO), 1945

**Summary:** The Constitution establishes the Food and Agriculture Organization of the United Nations, an organization working to raise levels of nutrition and standards of living, to secure improvements in the efficiency of the production and distribution of all food and agricultural products, to better the condition of rural populations and thus to contribute towards an expanding world economy and ensuring humanity’s freedom from hunger. The Constitution sets out the functions, membership, finances, operations and management of the organisation, reports by member states.

**Binding on Namibia:** 14 November 1977 (Article XXI(4) of the Constitution)
- acceptance: 14 November 1977 (source: FAO)
- entry into force internationally: 16 October 1945 (source: FAO)

**Depositary:** No official depositary exists, as the original depositary was the interim food organization which was dissolved once the FAO came into existence. The FAO itself accepts instruments of acceptance now that it is in existence; in other words, it acts as its own *de facto* depositary (Article XXI(4) of the Constitution).

**Notes:** No additional information about the acceptance of the Constitution by the United Nations Council for Namibia on behalf of Namibia could be found, even though its request to do so must have been accepted by the existing member states in accordance with Article II(2) of the Constitution – resulting in the Constitution
continuing to be binding on Namibia after independence in accordance with Article 143 of the Namibian Constitution.

†Constitution of the International Labour Organization (ILO), 1919, as amended

Summary: The Constitution establishes the ILO, with the aim of promoting social justice and humane labour conditions. The Constitution also provides for the organization and functions of the ILO, in particular the process of concluding specific ILO Conventions.

Binding on Namibia: 3 October 1978 (see Notes)
- acceptance: 23 June 1978 (source: ILO)
- entry into force internationally: 10 February 1920 (see Notes)

Depositary: ILO Director-General


Namibia, through the United Nations Council for Namibia, was accepted as a member of the ILO by the General Conference under Article 1(4) of the Constitution by a resolution of the 64th session of the International Labour Conference adopted on 23 June 1978. In accordance with Article 1(4) of the ILO Constitution, Namibia thus became a member of the ILO and a party to the ILO Constitution, as it was in force in 1978, upon receipt on 3 October 1978 of a letter dated 22 September 1978 communicating to the Director-General of the ILO the formal acceptance by Namibia of the obligations of the ILO Constitution (source: ILO). The Constitution of the ILO therefore continued to be binding on Namibia after independence in terms of Article 143 of the Namibian Constitution.

Since the acceptance of the ILO Constitution by the United Nations Council for Namibia on behalf of Namibia in 1978, the Constitution has been amended by the International Labour Conference on two further occasions, in 1986 and 1997 (see below).

Amendments and protocols:

*Instrument of Amendment of the ILO Constitution, 1986

Binding on Namibia: not yet binding
- ratification: 12 November 1997 (source: ILO)
- entry into force internationally: not yet in force (source: ILO)

Notes: The 1986 Instrument of Amendment foresees the elaboration of Protocols by each of the four ILO regions with a view to determining the distribution of seats in the Governing Body of the ILO allocated to each region. Africa adopted a Protocol in 1984 (African Regional Protocol Concerning Distribution of Seats in the Governing Body of the ILO) while the 1986 amendment was still in the making. The Protocol is available in Annex II to the Provisional Record No. 2 of the 70th Session of the
International Labour Conference. In accordance with point 8 of the Protocol, it was to be submitted for the approval of the member States of the African region and was to enter into force when three quarters of the states of the region have communicated their approval to the African Union (Organization of African Unity at that time). To the extent that the 1986 instrument of amendment to the ILO Constitution of the ILO is not yet in force, regional protocols have no legal force either (source: ILO).

**Instrument of Amendment of the ILO Constitution, 1997**

**Binding on Namibia:** 8 October 2016  
- ratification: 27 January 1999 (source: ILO)  
- entry into force internationally: 8 October 2016 (source: ILO).

**Constitution of the International Organization for Migration (IOM), 1953, as amended in 1987 and 1998**

**Summary:** The Constitution establishes the IOM, an intergovernmental organization dedicated to promoting humane and orderly migration by providing services and advice to governments and migrants. The Constitution provides a framework for the purposes, functions, legal status, finance, membership and other issues necessary for the functioning of the Organization. The IOM works to help ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in need, be they refugees, displaced persons or other uprooted people.

**Binding on Namibia:** 29 June 2009 (see Notes)  
- acceptance: 2 June 2009 (source: IOM)  
- entry into force internationally: 30 November 1954 (source: IOM)

**Depositary:** The Constitution does not indicate a depositary.

**Notes:** The IOM confirmed the receipt of an instrument indicating Namibia’s acceptance of the IOM Constitution and its amendments as of 24 November 1998. In accordance with Article 2(b) of the Constitution, an application to the IOM has to be approved by the IOM Council. Namibia’s application was approved by the IOM Council during the 97th (Special) Session of the Council (2009) in Resolution No. 1181 (XCVII) which was adopted on 29 June 2009 (source: IOM). The Constitution does not contain any provision on entry into force for later acceptance. In the absence of an express provision, customary international law provides that the Constitution became binding on Namibia on 29 June 2009, the date its application was approved by the IOM Council.

†**Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO), 1945**

**Summary:** The Constitution establishes the United Nations Educational, Scientific and Cultural Organization, an organization working to contribute to peace and security by promoting international collaboration through education, science, and culture in order to further universal respect for justice, the rule of law, and human rights along with fundamental freedom proclaimed in the UN Charter. The
Constitution sets out the purpose and functions, membership, finances, operations and management of the organization.

**Binding on Namibia:** 2 November 1978 (Article XV(3) of the Constitution)
- acceptance: 2 November 1978 (source: Government of the United Kingdom)
- entry into force internationally: 4 November 1946 (source: Government of the United Kingdom)

**Depositary:** Government of the United Kingdom (Foreign and Commonwealth Office)

**Notes:** The United Nations Council for Namibia accepted the Constitution of UNESCO on behalf of Namibia in 1978, with the result that the Constitution continued to be binding on Namibia after independence in terms of Article 143 of the Namibian Constitution. The depositary lists Namibia as a party, under the name “Namibia (formerly United Nations Council for Namibia”).

†Constitution of the United Nations Industrial Development Organization (UNIDO), 1979

**Summary:** The Constitution establishes the United Nations Industrial Development Organization, an organization working to promote and accelerate industrial development in developing countries and countries with economies in transition and to promote international industrial cooperation. The Constitution sets out the functions, membership, finances, dispute settlement and advisory opinions, operations and management of the organization.

**Binding on Namibia:** 21 February 1986 (Article 25(2)(c) of the Constitution)
- accession: 21 February 1986 (source: UNTC)
- entry into force internationally: 21 June 1985 (source: UNTC)

**Depositary:** UN Secretary-General

**Notes:** The United Nations Council for Namibia acceded to this Constitution on behalf of Namibia in 1986, with the result that the Constitution continued to be binding on Namibia after independence in terms of Article 143 of the Namibian Constitution. The depositary lists Namibia as a party, with a “historical note” by the UN Secretary-General regarding the general role of the United Nations Council for Namibia in respect of treaties (reproduced in the Background Information which accompanies this Appendix).

Constitution of the Universal Postal Union (UPU), 1964

**Summary:** The Constitution establishes UPU as a specialized UN agency that coordinates postal policies among member nations, in addition to the worldwide postal system. The Constitution obliges each member state to agree to the same terms for conducting international postal duties.

**Binding on Namibia:** 30 April 1992 (source: UPU)
- accession: 30 April 1992 (source: UPU)
- entry into force internationally: 1 January 1966 (source: UPU)
Depositary: UPU Director-General

Notes: The Constitution has been amended in 1969, 1974, 1984, 1989, 1994, 1999, 2004 and 2008. Namibia is bound by these amendments in accordance with Article 30 of the Constitution, as they have been approved by two-thirds of the member states.

†Constitution of the World Health Organization (WHO), 1946

Summary: The Constitution establishes the World Health Organization, the directing and coordinating authority for health within the UN system, responsible for providing leadership on global health matters, shaping the health research agenda, setting norms and standards, articulating evidence-based policy options, providing technical support to countries and monitoring and assessing health trends. The Constitution sets out the functions, membership, structure and powers of the organization.

Binding on Namibia: 23 April 1990 (see Notes)
- acceptance: 23 April 1990 (source: UNTC)
- entry into force internationally: 7 April 1948 (source: UNTC)

Depositary: UN Secretary-General

Notes: The Constitution of the WHO does not contain any provision on entry into force for acceptance after it came into force internationally, but merely provides that the treaty stays open for acceptance (see Article 78). In the absence of an express provision, customary international law provides that the treaty became binding on Namibia on 23 April 1990, the date that Namibia deposited the instrument of acceptance.

The United Nation Council for Namibia accepted the Constitution of the WHO on behalf of Namibia on 16 May 1974 (source: UNIN, Independent Namibia: Succession to Treaty Rights & Obligations). It is not clear why Namibia decided to accede separately post-independence, as opposed to continuing to be bound on the basis of accession by United Nation Council for Namibia, as it has done with other UN organizations (FAO, UNIDO, UNESCO). This may have been due to a specific request from the WHO.

Namibia is bound by the International Health Regulations, 2005, in accordance with Articles 21(a) and 22 of the WHO Constitution. Note that the International Health Regulations Act 28 of 1974, a South African law which is still in force Namibia, incorporates the earlier version of the Regulations directly into Namibian domestic law.

Amendments and protocols: In addition to the amendments listed below, Namibia is also bound by the Amendments to Articles 34 and 55 of the Constitution of the World Health Organization, 1973, as these came into force for all members on 3 February 1977 (source: UNTC), which is prior to Namibia’s accession to the Constitution.

 Amendment to Article 7 of the Constitution of the World Health Organization, 1965

Binding on Namibia: not yet binding
- accession: 21 September 2004 (source: UNTC)
- entry into force internationally: not yet in force (source: UNTC)
Notes: The amendment will come into force when signed by two-thirds of the WHO members in accordance with Article 73 of the Constitution.

*Amendment to Article 74 of the Constitution of the World Health Organization, 1978

Binding on Namibia: not yet binding
- accession: 21 September 2004 (source: UNTC)
- entry into force internationally: not yet in force (source: UNTC)

Notes: The amendment will come into force when signed by two-thirds of the WHO members in accordance with Article 73 of the Constitution.

Amendments to Articles 24 and 25 of the Constitution of the World Health Organization, 1986

Binding on Namibia: 11 July 1994
- acceptance: 11 November 1991 (source: UNTC)
- entry into force internationally: 11 July 1994 (source: UNTC)


Binding on Namibia: 15 September 2005
- acceptance: 26 March 1999 (source: UNTC)
- entry into force internationally: 15 September 2005 (source: UNTC).

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

Summary: The Convention requires states to take effective measures to prevent torture within their borders (including criminalizing torture), and forbids states to transport people to any country where there is reason to believe they will be tortured. The Convention also establishes the Committee against Torture.

Binding on Namibia: 28 December 1994 (Article 27(2) of the Convention)
- accession: 28 November 1994 (source: UNTC)
- entry into force internationally: 26 June 1987 (source: UNTC)

Depositary: UN Secretary-General

Cases: Namunjepo & Others v Commanding Officer, Windhoek Prison & Another, 1999 NR 271 (SC); Engelbrech v Minister of Prisons and Correctional Services 2000 NR 230 (HC); S v Malumo & Others, 2013 (3) NR 868 (HC).

Amendments and protocols: Namibia has not yet agreed to the Optional Protocol to the Convention, which entered into force internationally on 22 June 2006 (source: UNTC). Namibia has not yet agreed to the Amendments to Articles 17(7) and 18(5) of the Convention, which are not yet in force internationally (source: UNTC). Namibia has not yet made a declaration under Article 22 of the Convention which enables the Committee against Torture to consider individual complaints alleging violations of the rights set out in the Convention by states parties (source: UNTC).

Convention against Transnational Organized Crime (Palermo Convention), 2000

Summary: The Convention provides a framework for preventing and combating organized crime, and a platform for cooperating in doing so, including mutual legal assistance, extradition training and technical assistance. The Convention also obliges parties to establish the criminal offences of participating in an organized crime group, money laundering, corruption and obstruction of justice in their national legislation.

Binding on Namibia: 29 September 2003
- signature: 13 December 2000 (source: UNTC)
- ratification: 16 August 2002 (source: UNTC)
- entry into force internationally: 29 September 2003 (source: UNTC)

Depositary: UN Secretary-General

Amendments and protocols: Namibia is party to the Protocols listed below, but has not yet agreed to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, 2001, which entered into force internationally on 3 July 2005 (source: UNTC).

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000

Binding on Namibia: 25 December 2003
- signature: 13 December 2000 (source: UNTC)
- ratification: 16 August 2002 (source: UNTC)
- entry into force internationally: 25 December 2003 (source: UNTC)

Notes: This Protocol is appended to the Child Care and Protection Act 3 of 2015, which refers to it as the “United Nations Protocol to Prevent Trafficking in Persons”.

Protocol against the Smuggling of Migrants by Land, Sea and Air, 2000

Binding on Namibia: 28 January 2004
- signature: 13 December 2000 (source: UNTC)
- ratification: 16 August 2002 (source: UNTC)

Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972
Summary: The Convention links together the concepts of nature conservation and the preservation of cultural properties. It defines the kind of natural or cultural sites which can be considered for inscription on the World Heritage List and sets out the duties of parties in identifying potential sites and their role in protecting and preserving them. The Convention also establishes the World Heritage Fund.

Binding on Namibia: 6 July 2000 (Article 33 of the Convention)
- acceptance: 6 April 2000 (source: UNESCO)
- entry into force internationally: 17 December 1975 (source: UNESCO)

Depositary: UNESCO Director-General.

Convention Establishing a Customs Co-operation Council, 1950

Summary: The Convention establishes the Customs Co-operation Council with a mission to enhance the effectiveness and efficiency of customs administrations. The Convention sets out the functions and structure of the Council.

Binding on Namibia: 30 June 1992 (Article XVIII(c) of the Convention)
- accession: 30 June 1992 (source: Government of Belgium)
- entry into force internationally: 4 November 1952 (source: Government of Belgium)

Depositary: Government of Belgium (Ministry of Foreign Affairs)

Notes: The World Customs Organization (WCO), formerly the Customs Co-operation Council, indicates the date of Namibia’s accession as 1 July 1992.

Amendments and protocols: Namibia has not yet agreed to the Amendment to the Convention Establishing a Customs Co-operation Council, 2007, which is not yet in force internationally (source: Government of Belgium).

Convention Establishing the Multilateral Investment Guarantee Agency (MIGA), 1985

Summary: The Convention establishes the Multilateral Investment Guarantee Agency, a member of the World Bank Group, as an international financial institution with a mission to promote foreign direct investment into developing countries to help support economic growth, reduce poverty, and improve people’s lives by providing political risk insurance guarantees. The Convention sets out the purpose, membership, operations and management of the Agency.

Binding on Namibia: 25 September 1990 (Article 61(c) of the Convention)
- accession: 25 September 1990 (source: IBRD)
- entry into force internationally: 12 April 1988 (source: IBRD)

Depositary: International Bank for Reconstruction and Development (IBRD).

Summary: The Convention establishes the WIPO. It sets out the purpose, membership, structure and legal capacity of the Organization.

Binding on Namibia: 23 December 1991 (Article 15(2) of the Convention)
• accession: 23 September 1991 (source: WIPO)
• entry into force internationally: 26 April 1970 (source: WIPO)

Depositary: WIPO Director-General

Amendments and protocols: Namibia has not yet agreed to the Amendment to Article 9(3) of the WIPO Convention, 2000, which is not yet in force internationally (source: WIPO).


Summary: The Convention aims to safeguard the intangible cultural heritage, which is defined as “the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage”. It also seeks to raise awareness of the intangible cultural heritage, and to provide for international cooperation and assistance for its preservation.

Binding on Namibia: 19 December 2007 (Article 34 of the Convention)
• ratification: 19 September 2007 (source: UNESCO)
• entry into force internationally: 20 April 2006 (source: UNESCO)

Depositary: UNESCO Director-General

Notes: According to Article 32(1), “[t]his Convention shall be subject to ratification, acceptance or approval by States Members of UNESCO”, whereas Article 33(1) provides that “[t]his Convention shall be open to accession by all States not Members of UNESCO that are invited by the General Conference of UNESCO to accede to it”. Thus, as a UNESCO member state, Namibia ratified the Convention (instead of acceding to it) despite not having previously signed the Convention and the Convention already being in force internationally at the time of ratification.

Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Hijacking Convention), 1970

Summary: The Convention obliges member states to criminalize the hijacking of civilian aircrafts and provides, in particular, rules on jurisdiction.

Binding on Namibia: 4 December 2005 (Article 13(4) of the Convention)
• accession: 4 November 2005 (source: Governments of the United Kingdom and the United States of America)
• entry into force internationally: 14 October 1971 (source: Governments of the United Kingdom and the United States of America)
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Sabotage Convention), 1971

Summary: The Convention obliges member states to criminalize conduct which may threaten the safety of civil aviation and provides rules on jurisdiction.

Binding on Namibia: 4 December 2005 (Article 15(4) of the Convention)
- accession: 4 November 2005 (source: Governments of the United Kingdom and the United States of America)
- entry into force internationally: 26 January 1973 (source: Governments of the United Kingdom and the United States of America)

Depositary: Governments of the United Kingdom (Foreign and Commonwealth Office), United States of America, and Russia (formerly the Soviet Union)

Notes: This Convention is referenced in, and annexed to, the Civil Aviation Act 6 of 2016 (Schedule 5). The Prevention and Combating of Terrorist and Proliferation Activities Act 4 of 2014 defines “terrorist activity” to include acts which are offences under this Convention, as well as under the Convention on the Suppression of Unlawful Acts relating to International Civil Aviation (Beijing Convention), 2010, which is not yet agreed to by Namibia nor in force internationally.

Amendments and protocols: The Convention on the Suppression of Unlawful Acts relating to International Civil Aviation (Beijing Convention), 2010 is intended to replace the 1971 Sabotage Convention as amended by the 1988 Protocol. Namibia has not yet agreed to the 2010 Convention, which is not yet in force internationally (source: ICAO, which is the depositary).

**Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988**

**Summary:** The Convention obliges member states to criminalize conduct which may threaten the safety of maritime navigation. It also provides rules on jurisdiction.

**Binding on Namibia:** 18 October 2004 (Article 18(2) of the Convention)
- approval by National Assembly: 22 April 2003 (source: Hansard)
- accession: 10 July 2004 (source: IMO)
- entry into force internationally: 1 March 1992 (source: IMO)

**Depository:** IMO Secretary-General

**Notes:** The *Prevention and Combating of Terrorist and Proliferation Activities Act 4 of 2014* defines “terrorist activity” to include acts which are offences under this Convention.

**Amendments and protocols:**

*Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988*

**Binding on Namibia:** 6 December 2005 (Article 6(2) of the Protocol)
- accession: 7 September 2005 (source: IMO)
- entry into force internationally: 1 March 1992 (source: IMO)

**Notes:** The *Prevention and Combating of Terrorist and Proliferation Activities Act 4 of 2014* defines “terrorist activity” to include acts which are offences under this Protocol.

**Convention for the Unification of Certain Rules relating to International Carriage by Air (Montreal Convention), 1999**

**Summary:** The Convention establishes a regime for compensating passengers for damage suffered (to persons or baggage) whilst on board an aircraft. It also provides
that victims can sue at their place of residence and obliges air carriers to have insurance.

**Binding on Namibia:** 4 November 2003
- signature: 28 May 1999 (source: ICAO)
- approval by National Assembly: 7 March 2001 (source: Hansard)
- ratification: 27 September 2001 (source: ICAO)
- entry into force internationally: 4 November 2003 (source: ICAO)

**Depositary:** International Civil Aviation Organization (ICAO)

**Notes:** The Montreal Convention superseded and replaced the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929 (“Warsaw Convention”) for those states that are parties to both systems (Article 55 of the Montreal Convention).

The *Carriage by Air Act 17 of 1946*, a South African law which is still in force in Namibia, gives effect to the Warsaw Convention in domestic law. It has not been amended in Namibia to reflect the replacement of the Warsaw Convention by the Montreal Convention.

**Convention of the World Meteorological Organization (WMO), 1947**

**Summary:** The Convention establishes the World Meteorological Organization, which later became a specialized agency of the UN for the state and behaviour of the Earth’s atmosphere, its interaction with the oceans, the climate it produces and the resulting distribution of water resources. The Convention sets out the functions, powers and structure of the organization.

**Binding on Namibia:** 8 March 1991 (Article 35 of the Convention)
- entry into force internationally: 23 March 1950 (source: Government of the United States of America)

**Depositary:** Government of the United States of America.

**Convention on Biological Diversity (Biodiversity Convention), 1992**

**Summary:** The Convention provides for the conservation of biological diversity, sustainable use of the components of biological diversity and fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

**Binding on Namibia:** 14 August 1997 (Article 36(3) of the Convention)
- signature: 12 June 1992 (source: UNTC)
- ratification: 16 May 1997 (source: UNTC)
- entry into force internationally: 29 December 1993 (source: UNTC)

**Depositary:** UN Secretary-General

**Amendments and protocols:**

*Cartagena Protocol on Biosafety to the Convention on Biological Diversity, Montreal, 2000*
**Binding on Namibia: 11 May 2005 (Article 36(4) of the Protocol)**
- signature: 24 May 2000 (source: UNTC)
- approval by National Assembly: 29 September 2004 (source: Hansard, Vol. 78, pp. 84-91)
- ratification: 10 February 2005 (source: UNTC)
- entry into force internationally: 11 September 2003 (source: UNTC)

*Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, 2010*

**Binding on Namibia: 12 October 2014**
- accession: 15 May 2014 (source: UNTC)
- entry into force internationally: 12 October 2014 (source: UNTC)

**Notes:** According to Article 32 of the Protocol, it “shall be open for signature by Parties to the Convention at the United Nations Headquarters in New York, from 2 February 2011 to 1 February 2012”. As a result, Namibia could only accede to the Protocol on 15 May 2014 despite the fact that it had not yet entered into force internationally at that time.

**Conclusion on Cluster Munitions, 2008**

**Summary:** The Convention prohibits the use, transfer and stockpile of cluster bombs, a type of explosive weapon which scatters submunitions (“bomblets”) over an area.

**Binding on Namibia:** not yet binding
- signature: 3 December 2008 (source: UNTC)
- entry into force internationally: 1 August 2010 (source: UNTC)

**Depositary:** UN Secretary-General.

**Convention on International Civil Aviation (Chicago Convention), 1944**

**Summary:** The Convention establishes the International Civil Aviation Organization (ICAO), a specialized agency of the UN charged with coordinating and regulating international air travel. The Convention establishes rules of airspace, aircraft registration and safety, and details the rights of the signatories in relation to air travel.

**Binding on Namibia:** 30 May 1991 (Article 91(b) of the Convention)
- notification of adherence: 30 April 1991 (source: ICAO)
- entry into force internationally: 4 April 1947 (source: ICAO)

**Depositary:** Government of the United States of America

**Notes:** The depositary does not appear to make information publicly available, and failed to provide it upon request.
This Convention is referenced in, and annexed to, the **Civil Aviation Act 6 of 2016** (Schedule 1).

**Amendments and protocols:** In addition to the Protocols listed below, Namibia is also bound by the **Protocol on the Authentic Trilingual Text of the Convention, Buenos Aires, 1968**, without having specifically agreed to it, as it entered into force on 24 October 1968 (source: ICAO), prior to Namibia’s accession to the Convention, and thus became binding on Namibia upon accession in accordance with Article V of the Protocol.

Namibia has **not** yet accepted and is not bound by the following amendments which entered into force prior to it becoming a party to the Chicago Convention:

- **Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 93bis], Montreal, 1947**, which entered into force internationally on 20 March 1961 (source: ICAO)
- **Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 45], Montreal, 1954** which entered into force internationally on 16 May 1958 (source: ICAO)
- **Protocol Relating to certain Amendments to the Convention on International Civil Aviation [Articles 48(a), 49(e) and 61], Montreal, 1954** which entered into force internationally on 12 December 1956 (source: ICAO)
- **Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 48(a)], Rome, 1962**, which entered into force internationally on 11 September 1975 (source: ICAO)

All of these Protocols entered into force internationally prior to Namibia becoming a party to the underlying Convention. However, they contain provisions specifying that the amendments shall only enter into force for states attempting to become a party subsequent to their entry into force internationally upon deposit of an instrument of acceptance with ICAO. According to the ICAO Secretariat Namibia has not yet deposited any such instrument of acceptance. See [www.icao.int/secretariat/legal/Status%20of%20individual%20States/namibia_en.pdf](http://www.icao.int/secretariat/legal/Status%20of%20individual%20States/namibia_en.pdf).

**Protocol relating to an Amendment to the Convention (Final Clause, Russian Text), Montreal, 1977**

**Binding on Namibia:** 27 September 2001 (see the Protocol)
- approval by National Assembly: 2 November 2000 (source: Hansard)
- acceptance: 27 September 2001 (source: ICAO)
- entry into force internationally: 17 August 1999 (source: ICAO)

**Protocol on the Authentic Quadrilingual Text of the Convention, Montreal, 1977**

**Binding on Namibia:** 19 October 2001 (Article 4(2) of the Protocol)
- approval by National Assembly: 2 November 2000 (source: Hansard)
- acceptance: 19 October 2001 (source: ICAO)
- entry into force internationally: 16 September 1999 (source: ICAO)

**Protocol relating to an Amendment to the Convention (Article 83bis), Montreal, 1980**

**Binding on Namibia:** 19 December 2005 (Article 3(b) of the Protocol)
- acceptance: 19 December 2005 (source: ICAO)
- entry into force internationally: 20 June 1997 (source: ICAO)
Protocol relating to an Amendment to the Convention (Article 3bis), Montreal, 1984

**Binding on Namibia:** 19 December 2005 (Article 4(g) of the Protocol)
- acceptance: 19 December 2005 (source: ICAO)
- entry into force internationally: 1 October 1998 (source: ICAO)

Protocol relating to an Amendment to the Convention (Article 56), Montreal, 1989

**Binding on Namibia:** 18 April 2005 (Article 3(g) of the Protocol)
- approval by National Assembly: 2 November 2000 (source: Hansard)
- acceptance: 27 September 2001 (source: ICAO)
- entry into force internationally: 18 April 2005 (source: ICAO)

**Note:** There have to date been several protocols amending Article 56 of the Convention with the aim of increasing the number of members on the Air Navigation Commission. Namibia is party only to the latest Protocol of 1989, which effectively supersedes the earlier ones.

Protocol relating to an Amendment to the Convention (Article 50(a)), Montreal, 1990

**Binding on Namibia:** 28 November 2002 (Article 3(d) of the Protocol)
- approval by National Assembly: 2 November 2000 (source: Hansard)
- acceptance: 27 September 2001 (source: ICAO)
- entry into force internationally: 28 November 2002 (source: ICAO)

**Note:** There have been four protocols to date amending Article 50a of the Convention with the aim of steadily increasing the number of ICAO Council members (from an increase to 27 members by the 1961 Protocol to the latest increase to 36 members by the 1990 Protocol). Namibia is party only to the latest Protocol of 1990, which effectively supersedes the earlier ones.

*Protocol on the Authentic Quinquilingual Text of the Convention, Montreal, 1995

**Binding on Namibia:** not yet binding
- approval by National Assembly: 2 November 2000 (source: Hansard)
- acceptance: 19 October 2001 (source: ICAO)
- entry into force internationally: not yet in force (source: ICAO)

*Protocol relating to an Amendment to the Convention (Final Clause, Arabic Text), Montreal, 1995

**Binding on Namibia:** not yet binding
- approval by National Assembly: 2 November 2000 (source: Hansard)
- acceptance: 27 September 2001 (source: ICAO)
- entry into force internationally: not yet in force (source: ICAO)

*Protocol on the Authentic Six-Language Text of the Convention, Montreal, 1998

**Binding on Namibia:** not yet binding
• signature: 1 October 1998 (source: ICAO)
• approval by National Assembly: 2 November 2000 (source: Hansard)
• acceptance: 19 October 2001 (source: ICAO)
• entry into force internationally: not yet in force (source: ICAO)

Note: Namibia entered a reservation upon signature requiring ratification of this Protocol and not merely signature as provided for in Article IV of the Protocol.

*Protocol relating to an Amendment to the Convention (Final Clause, Chinese Text), Montreal, 1998*

**Binding on Namibia:** not yet binding

- approval by National Assembly: 2 November 2000 (source: Hansard)
- acceptance: 5 November 2001 (source: ICAO)
- entry into force internationally: not yet in force (source: ICAO)

Notes: Article 94(a) of the Convention provides that “[a]ny proposed amendment to this Convention must be approved by a two-thirds vote of the Assembly and shall then come into force in respect of States which have ratified such amendment when ratified by the number of contracting States specified by the Assembly…. ” (emphasis added). The protocols amending the Convention differ in terminology and require “ratification” or “acceptance”. In line with the definition of “ratification” in the introduction (as the act whereby a state formally indicates its consent to be bound by a treaty that it has previously signed), we have consistently used the term “acceptance” here. However, any different use of terminology has no impact on the legal effect of the actual acts.

Annexes: The Convention is supported by 19 annexes containing international standards and practices addressing, among other things, environmental concerns (Annex 16), peace and security matters (Annexes 9, 12, 17), trade and financial issues (Annexes 6-8, 18), civil liability (Annex 13) and labour issues (Annex 1). They are adopted and regularly amended by the Council of ICAO in accordance with Articles 37 and 90 of the Convention. However, while these international standards and recommended practices are viewed as authoritative technical specifications, they do not have the status of binding international law; Member States are expected to comply with them in terms of Article 37 of the Convention to “the highest practicable degree”. The only exception concerns the rules of the air over the high seas where, according to Article 12 of the Convention, “the rules in force shall be those established under this Convention”.

Article 54(l) of the Convention provides that the ICAO Council shall “[a]dopt, in accordance with the provisions of Chapter VI of this Convention, international standards and recommended practices; for convenience, designate them as Annexes to this Convention; and notify all contracting States of the action taken”. Article 90 of the Convention requires that the Council must adopt the Annexes described in Article 54(l) by a two-thirds vote, and then submit any Annex or amendment of an Annex so adopted to each contracting State. It then stipulates that “[a]ny such Annex or any amendment of an Annex shall become effective within three months after its submission to the contracting States or at the end of such longer period of time as the Council may prescribe, unless in the meantime a majority of the contracting States register their disapproval with the Council”. While it is unclear what the legal consequence is of an annex becoming effective, it should be noted that the Convention
here refrains from using clear language such as “binding” or “entry into force for all member states”.

Furthermore, Article 37 of the Convention relating to the adoption of international standards and procedures states that “[e]ach contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization … in all matters in which such uniformity will facilitate and improve air navigation. To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures”. It thereby authorizes ICAO to adopt international standards and recommended practices as may be necessary on a wide number of issues. Article 38 of the Convention indicates that a member state that “finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord … shall give immediate notification” to ICAO.

This opt-out provision appears to presume compliance with the international standards and recommended practices by a member state that has not submitted a notice in terms of Article 38 of “the differences between its own practice and that established by the international standard”. It should also be noted in this regard that the provisions for enforcement in Article 84-ff refer to the “Convention and its Annexes”.

States are of course free to clarify their stance on the international standards and procedures in their domestic legislation, as Namibia appears to have done in the Civil Aviation Act 6 of 2016. Section 1 of that Act states that the “Chicago Convention” means

the Convention on International Civil Aviation signed in Chicago on 7 December 1944, and adopted by section 1 of the Aviation Amendment Act, 1947 (Act No. 42 of 1947), and contained in Schedule 1, and includes -

(a) any amendment to the Convention that has entered into force under Article 94(a) of the Convention and has been ratified by Namibia; and

(b) any Annex or amendment to any Annex accepted under Article 90 of the Convention, to the extent ratified by Namibia; and

(c) the international standards and procedures adopted and amended by the International Civil Aviation Organisation under Article 37 of the Convention, but subject to any notification of differences by Namibia pursuant to Article 38 of the Convention.

This language suggests that Namibia will consider the Annexes adopted pursuant to Article 90 to be part of the Convention (and presumably then equally binding as the rest of the Convention), which is not the approach required by the Convention itself. It also indicates that Namibia considers the international standards and procedures adopted and amended by the International Civil Aviation Organisation under Article 37 of the Convention on International Civil Aviation to have the same legal status as the Convention itself, unless a notification of differences has been submitted in accordance with Article 38 of the Convention.

As a final point to note, the language of the statutory definition of the Chicago Convention (quoted above) suggests that there are three different types of materials which affect the Convention as it applies to Namibia: (a) amendments to the Convention ratified by Namibia; (b) Annexes and amendments to Annexes accepted under Article 90 of the Convention, to the extent ratified by Namibia; and (c) international standards and procedures adopted and amended by the International
Civil Aviation Organisation under Article 37. However, this conceptualisation does not accord with the Convention, which refers to the international standards and procedures adopted by the ICAO as being embodied in the Annexes; Article 54(l) refers to the adoption of “international standards and recommended practices” and says that the Council shall “for convenience, designate them as Annexes to this Convention”.

**Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973**

**Summary:** The Convention controls the international trade in specimens of endangered wild animal and plant species, with the aim of ensuring that such trade does not threaten their survival. The Convention accords varying degrees of protection to more than 35,000 species of animals and plants, whether they are traded as live specimens, fur coats or dried herbs.

**Binding on Namibia:** 18 March 1991 (Article XXII(2) of the Convention)
- accession: 18 December 1990 (source: Government of Switzerland)
- entry into force internationally: 1 July 1975 (source: Government of Switzerland)

**Depositary:** Government of Switzerland (Federal Department of Foreign Affairs)

**Notes:** Upon accession Namibia entered the following reservation in accordance with the provisions of Articles XV, XVI and XXIII of the Convention:

Species included in Appendix I:
7. Loxodonta africana
8. Acinonyx jubatus

(source: Government of Switzerland).

The Convention is domesticated in Namibia by the Controlled Wildlife Products and Trade Act 9 of 2008. However, there is a discrepancy relating to the Appendices to the Convention. The Appendices can be, and regularly are, amended by “the Conference of the Parties” under Articles XV and XVI of the Convention; such amendments enter into force automatically for all parties. However, section 11(1) of the Controlled Wildlife Products and Trade Act states: “Whenever Appendices I, II or III is amended [sic], the Minister must by notice in the Gazette amend Schedule 3 accordingly.” (emphasis added). In addition, section 1(3)(c) of the Act states: “Any provision of this Act is construed with reference to the Convention and any provision of the Convention is deemed to be part of this Act and for that purpose… (c) a species is deemed to be included in an Appendix only if it appears in the relevant column of Schedule 3 and also subject to such further qualifications as set out in the relevant entry or such further notes as may appear in that Schedule.” (emphasis added). The version of the Appendices published in the Schedule to the Act appears to be the one that was in force in 2008, when the Act was promulgated; subsequent amendments to the Appendices have been not been accompanied by amendments to Schedule 3 by notice in the Gazette as the Act requires.

**Amendments and protocols:** Namibia has agreed to the amendment listed below, but has not yet agreed to the Amendment to Article XXI of the Convention, Gaborone 1983, which entered into force internationally on 29 November 2013 (source: Government of Switzerland).

*Amendment to Article XI of the Convention, Bonn 1979*
**Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention), 1963**

**Summary:** The Convention establishes and governs criminal law offences and any other acts jeopardising the safety of persons or property on board civilian aircraft while in-flight and engaged in international air navigation.

**Binding on Namibia:** 19 March 2006 (Article 21(1) of the Convention)
- accession: 19 December 2005 (source: ICAO)
- entry into force internationally: 4 December 1969 (source: ICAO)

**Depository:** International Civil Aviation Organization (ICAO)

**Amendments and protocols:** Namibia has not yet agreed to the Protocol to amend the Convention, 2014, which is not yet in force internationally (source: ICAO).

**Notes:** This Convention is referenced in, and annexed to, the Civil Aviation Act 6 of 2016 (Schedule 3).

**Convention on Privileges and Immunities of the United Nations, 1946**

**Summary:** The Convention defines and specifies issues relating to the status of the United Nations, its assets, and officials, in terms of the privileges and immunities that must be granted to them by its member states.

**Binding on Namibia:** 17 July 2006 (see Section 32 of the Convention)
- approval by National Assembly: 24 April 2006 (source: Hansard)
- accession: 17 July 2006 (source: UNTC)
- entry into force internationally: 17 September 1946 (source: UNTC)

**Depository:** UN Secretary-General.

**Convention on Psychotropic Substances, 1971**

**Summary:** The Convention supplements the 1961 Single Convention on Narcotic Drugs and sets out to control psychoactive drugs such as amphetamines, barbiturates, benzodiazepines, and psychedelics with import and export restrictions and other rules aimed at limiting drug use to scientific and medical purposes.

**Binding on Namibia:** 29 June 1998 (Article 26(2) of the Convention)
- accession: 31 March 1998 (source: UNTC)
- entry into force internationally: 16 August 1977 (source: UNTC)
**Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean, 2001**

**Summary:** The Convention aims to ensure the long-term conservation and sustainable use of the fishery resources in the South East Atlantic Ocean. The Convention area excludes exclusive economic zones of the coastal states in the region. The Convention provides for the establishment of the South East Atlantic Fisheries Organization (SEAFO) based in Walvis Bay, Namibia.

**Binding on Namibia:** 13 April 2003
- signature: 20 April 2001 (source: FAO)
- ratification: 26 February 2002 (source: FAO)
- entry into force internationally: 13 April 2003 (source: FAO)

**Depositary:** FAO Director-General

**Note:** The geographical scope of the Convention is obviously regionally specific (South East Atlantic Ocean), but its membership has a more global character (Angola, European Community, Japan, Namibia, Norway, Republic of Korea, South Africa). Thus, it has been listed in the GLOBAL section of this index.

**Convention on the Conservation of Antarctic Marine Living Resources, 1980**

**Summary:** The Convention is part of the Antarctic Treaty System; its goal is to preserve marine life and environmental integrity in and near Antarctica. The Convention establishes the Commission on the Conservation of Antarctic Marine Living Resources (CCAMLR).

**Binding on Namibia:** 29 July 2000 (Article XXVIII(2) of the Convention)
- accession: 29 June 2000 (source: Government of Australia)
- entry into force internationally: 7 April 1982 (source: Government of Australia)

**Depositary:** Government of Australia.

**Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979**

**Summary:** The Convention, also known as the “Bill of Rights of Women”, mandates steps to eliminate all forms of discrimination against women. States ratifying the Convention are required to enshrine gender equality into their domestic legislation, repeal all discriminatory provisions in their laws, and enact new provisions to guard against discrimination against women. The Optional Protocol to the Convention allows its parties to recognize the competence of the Committee on the Elimination of Discrimination against Women to consider complaints from individuals.

**Binding on Namibia:** 23 December 1992 (Article 27(2) of the Convention)
- accession: 23 November 1992 (source: UNTC)
entry into force internationally: 3 September 1981 (source: UNTC)

**Depository:** UN Secretary-General

**Cases:** Müller v President of the Republic of Namibia & Another 1999 NR 190 (SC)

**Amendments and protocols:** Namibia is party to the Protocol listed below, but has not yet agreed to the Amendment to Article 20(1) of the Convention, 1995, which is not yet in force internationally (source: UNTC).

**Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, 1999**

- **Binding on Namibia:** 22 December 2000
- signature: 19 May 2000 (source: UNTC)
- ratification: 26 May 2000 (source: UNTC)

**Convention on the International Maritime Organization (IMO), 1948**

**Summary:** The Convention establishes the International Maritime Organization, an organization which develops and maintains a comprehensive regulatory framework for shipping. Its remit today includes safety, environmental concerns, legal matters, technical co-operation, maritime security and the efficiency of shipping.

- **Binding on Namibia:** 27 October 1994
  - acceptance: 27 October 1994 (source: UNTC)
  - entry into force internationally: 17 March 1958 (source: UNTC)

**Depositary:** UN Secretary-General

**Notes:** The Convention does not contain any provision on entry into force for acceptance after it came into force internationally, but merely provides that the Convention stays open for acceptance (see Article 71, 74). In the absence of an express provision, customary international law provides that the treaty became binding on Namibia on 27 October 1994, the date it deposited the instrument of acceptance. The same reasoning applies to the amendments and protocols.

**Amendments and protocols:**

- **Amendments to Articles 17 and 18 of the Convention on the International Maritime Organization, 1964**
  - **Binding on Namibia:** 27 October 1994
    - acceptance: 27 October 1994 (source: UNTC)
    - entry into force internationally: 6 October 1967 (source: UNTC)

- **Amendment to article 28 of the Convention on the International Maritime Organization, 1965**
  - **Binding on Namibia:** 27 October 1994
    - acceptance: 27 October 1994 (source: UNTC)
    - entry into force internationally: 3 November 1968 (source: UNTC)
Amendments to Articles 10, 16, 17, 18, 20, 28, 31 and 32 of the Convention on the International Maritime Organization, 1974

**Binding on Namibia:** 27 October 1994
- acceptance: 27 October 1994 (source: UNTC)
- entry into force internationally: 1 April 1978 (source: UNTC)

Amendments to the title and substantive provisions of the Convention on the International Maritime Organization, 1977

**Binding on Namibia:** 27 October 1994
- acceptance: 27 October 1994 (source: UNTC)
- entry into force internationally: 22 May 1982 (source: UNTC)

Amendments to the Convention on the International Maritime Organization relating to the institutionalization of the Committee on Technical Co-operation in the Convention, 1977

**Binding on Namibia:** 27 October 1994
- acceptance: 27 October 1994 (source: UNTC)
- entry into force internationally: 10 November 1984 (source: UNTC)

Amendments to Articles 17, 18, 20 and 51 of the Convention on the International Maritime Organization, 1979

**Binding on Namibia:** 27 October 1994
- acceptance: 27 October 1994 (source: UNTC)
- entry into force internationally: 10 November 1984 (source: UNTC)

Amendments to the Convention on the International Maritime Organization (institutionalization of the Facilitation Committee), 1991

**Binding on Namibia:** 7 December 2008
- acceptance: 28 November 2000 (source: UNTC)
- entry into force internationally: 7 December 2008 (source: UNTC)

Amendments to Articles 16, 17 and 19(b) of the Convention on the International Maritime Organization, 1993

**Binding on Namibia:** 7 November 2002
- acceptance: 10 September 2001 (source: UNTC)
- entry into force internationally: 7 November 2002 (source: UNTC).

Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs), as amended

**Summary:** The Convention gives effect to the Rules and other Annexes constituting the International Regulations for Preventing Collisions at Sea which set out, among others, the navigation rules to be followed by ships and other vessels at sea to prevent collisions between two or more vessels.

**Binding on Namibia:** 27 November 2000 (Article IV(3) of the Convention)
- accession: 27 November 2000 (source: IMO)
- entry into force internationally: 15 July 1977 (source: IMO)
**Depositary:** IMO Secretary-General

**Notes:** This Convention is appended to the *Merchant Shipping Act 57 of 1951*, a South African statute which is still in force in Namibia. However, amendments to the Convention are not reflected in the version of the Convention appended to the statute.

**Amendments and protocols:** In accordance with Article VI of the Convention, amendments to the Convention enter into force automatically if they are adopted by a two-thirds majority of those present and voting at the Assembly of the International Maritime Organisation, unless more than one-third of the contracting parties enter objections to the amendment in question within a stated time period. The Convention has been amended pursuant to this procedure in 1981, 1987, 1989, 1993, 2001, 2007 and 2013. For up-to-date information on amendments to the Convention, consult the IMO website: [www.imo.org](http://www.imo.org). A list of amendments dated 10 July 2017 is available at [www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf](http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf).

**Convention on the Law of the Non-Navigational Uses of International Watercourses, 1997**

**Summary:** The Convention pertains to the uses and conservation of all waters that cross international boundaries, including both surface and groundwater. Its aim is to conserve and manage water resources for present and future generations.

**Binding on Namibia:** 17 August 2014
- signature: 19 May 2000 (source: UNTC)
- ratification: 29 August 2001 (source UNTC)
- entry into force internationally: 17 August 2014 (source: UNTC)

**Depositary:** UN Secretary-General.

**Convention on the Physical Protection of Nuclear Material and Nuclear Facilities, 1980**

**Summary:** The Convention provides for physical protection during the international transport of nuclear material and establishes a general framework for cooperation among states in the protection, recovery, and return of stolen nuclear material. The Convention lists certain serious offenses involving nuclear material.

**Binding on Namibia:** 1 November 2002 (Article 19(2) of the Convention)
- approval by National Assembly: 26 June 2002 (source: Hansard)
- accession: 2 October 2002 (source: IAEA)
- entry into force internationally: 8 February 1987 (source: IAEA)

**Depositary:** International Atomic Energy Agency (IAEA)

Notes: The Prevention and Combating of Terrorist and Proliferation Activities Act 4 of 2014 defines “terrorist activity” to include acts which are offences under this Convention.

Amendments and protocols:

Amendment to the Convention on the Physical Protection of Nuclear Material (renaming the convention as Convention on the Physical Protection of Nuclear Material and Nuclear Facilities), 2005

Binding on Namibia: 16 August 2017 (Article 20(2) of the Convention)
- ratification: 16 August 2017 (source: IAEA)
- entry into force internationally: 8 May 2016 (source: IAEA).

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973

Summary: States Parties to this Convention are required to establish jurisdiction over, and make punishable under their domestic laws, the offences described in the Convention to prevent crimes against internationally protected persons, including diplomatic agents. These offences include the intentional commission, the attempted commission or threatened commission of murders or kidnappings of internationally protected persons as well as violent attacks against the official premises, private accommodation, or means of transport of such persons. “Internationally protected person” as defined in Article 1 of the Convention expressly covers Heads of State, Heads of Government and Ministers for Foreign Affairs as well as ambassadors, other official diplomats, and members of their families.

Binding on Namibia: 2 October 2016 (Article 17(2) of the Convention)
- accession: 2 September 2016 (source: UNTC)
- entry into force internationally: 20 February 1977 (source: UNTC)

Depositary: UN Secretary-General

Notes: The Prevention and Combating of Terrorist and Proliferation Activities Act 4 of 2014 defines “terrorist activity” to include acts which are offences under this Convention.


Summary: The Convention provides for the prevention and punishment of actions of genocide in times of war and peace.

Binding on Namibia: 26 January 1995 (Article XIII of the Convention)
- accession: 28 November 1994 (source: UNTC)
- entry into force internationally: 12 January 1951 (source: UNTC)

Depositary: UN Secretary-General

**Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1993**

*Summary*: The Convention is an arms control treaty which outlaws the production, stockpiling, and use of chemical weapons and their precursors. It is administered by the Organization for the Prohibition of Chemical Weapons (OPCW).

**Binding on Namibia**: 29 April 1997
- signature: 13 January 1993 (source: UNTC)
- ratification: 24 November 1995 (source: UNTC)
- entry into force internationally: 29 April 1997 (source: UNTC)

**Depositary**: UN Secretary-General.

**Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Treaty), 1997**

*Summary*: The Convention aims at eliminating anti-personnel landmines (AP-mines) around the world. It covers the general obligations of the parties, the destruction of stockpiled anti-personnel mines and anti-personnel mines in mined areas, international cooperation and assistance, national implementation measures, settlement of disputes, meetings and review conferences.

**Binding on Namibia**: 1 March 1999
- signature: 3 December 1997 (source: UNTC)
- ratification: 21 September 1998 (source: UNTC)
- entry into force internationally: 1 March 1999 (source: UNTC)

**Depositary**: UN Secretary-General.

**Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005**

*Summary*: The Convention recognizes the rights of parties to take measures to protect and promote the diversity of cultural expressions, and imposes obligations at both domestic and international levels on parties.

**Binding on Namibia**: 18 March 2007
- ratification: 29 November 2006 (source: UNESCO)
- entry into force internationally: 18 March 2007 (source: UNESCO)

**Depositary**: UNESCO Director-General
Notes: Neither the depositary nor the Government of Namibia provides a date of signature for Namibia. The Convention does not appear to require signature in the case of ratification. Article 26 of the Convention states in this respect:

This Convention shall be subject to ratification, acceptance, approval or accession by Member States of UNESCO in accordance with their respective constitutional procedures. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General of UNESCO.


Summary: The Convention aims to protect all traces of human existence having a cultural, historical or archaeological character, which have been under water for over 100 years.

Binding on Namibia: 9 June 2011 (Article 27 of the Convention)

- ratification: 9 March 2011 (source: UNESCO)
- entry into force internationally: 2 January 2009 (source: UNESCO)

Depositary: UNESCO Director-General

Notes: Neither the depositary nor the Government of Namibia provides a date of signature for Namibia. The Convention does not appear to require signature in case of ratification. Article 26 of the Convention states in this respect:

1. This Convention shall be subject to ratification, acceptance or approval by Member States of UNESCO.
2. This Convention shall be subject to accession:
   […]
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General.

Convention on the Rights of the Child, 1989

Summary: The Convention sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under a state’s own domestic legislation. Compliance with the treaty provisions is monitored by the United Nations Committee on the Rights of the Child.

Binding on Namibia: 30 October 1990 (Article 49(2) of the Convention)

- signature: 26 September 1990 (source: UNTC)
- ratification: 30 September 1990 (source: UNTC)
- entry into force internationally: 2 September 1990 (source: UNTC)

Depositary: UN Secretary-General

Cases: NS v RH, 2011 (2) NR 486 (HC); JT v AE, 2013 (1) NR 1 (SC).

Notes: The UN Secretariat, as the depositary, lists as entry into force of the Convention internationally 2 September 1990 in accordance with Article 49(1) of the Convention. Given the dates of Namibia’s signature and ratification, Namibia appears to have signed and ratified the Convention after it had entered into force internationally. The Convention provides in Article 48 that the Convention shall remain open for accession (as opposed to signature and ratification) by any state.

This Convention is appended to the Child Care and Protection Act 3 of 2015, which refers to it as the “United Nations Convention on the Rights of the Child”.

Amendments and protocols: Namibia has agreed to the amendments and protocols listed below, but has not yet agreed to the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, 2011, which entered into force internationally on 14 April 2014 (source: UNTC).

Amendment to Article 43(2) of the Convention on the Rights of the Child adopted by the Conference of the States Parties, 1995

Binding on Namibia: 18 November 2002
- acceptance: 11 December 2001 (source: UNTC)
- entry into force internationally: 18 November 2002 (source: UNTC)

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000

Binding on Namibia: 16 May 2002 (Article 10(2) of the Protocol)
- signature: 8 September 2000 (source: UNTC)
- ratification: 16 April 2002 (source: UNTC)
- entry into force internationally: 12 February 2002 (source: UNTC)

Note: Namibia made a declaration on the minimum recruitment age (age 18) for the Namibian Defence Force upon ratification (source: UNTC).


Binding on Namibia: 16 May 2002 (Article 14(2) of the Protocol)
- signature: 8 September 2000 (source: UNTC)
- ratification: 16 April 2002 (source: UNTC)


Summary: The Convention aims to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities by specifying certain rights and obligating parties to ensure access to such rights.

Binding on Namibia: 3 May 2008
- signature: 25 April 2007 (source: UNTC)
- approval by National Assembly: 12 September 2007 (source: Hansard)
- ratification: 4 December 2007 (source: UNTC)
- entry into force internationally: 3 May 2008 (source: UNTC)
Depositary: UN Secretary-General

Amendments and protocols:

Optional Protocol to Convention on Rights of Persons with Disabilities, 2006

**Binding on Namibia:** 3 May 2008
- signature: 25 April 2007 (source: UNTC)
- approval by National Assembly: 12 September 2007 (source: Hansard)
- ratification: 4 December 2007 (source: UNTC)
- entry into force internationally: 3 May 2008 (source: UNTC).

**Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention), 1965**

**Summary:** The Convention establishes the International Centre for Settlement of Investment Disputes, which aims to resolve disputes between states and nationals of other states relating to investments by conciliation, arbitration or fact-finding.

**Binding on Namibia:** not yet binding
- signature: 26 October 1998 (source: World Bank)
- entry into force internationally: 14 October 1966 (source: World Bank)

**Depositary:** World Bank

**Notes:** According to Article 67 of the Convention, the Convention remains open for signature even after its entry into force internationally.

**Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention), 1971**

**Summary:** The Convention addresses the conservation and sustainable utilization of wetlands, recognizing the fundamental ecological functions of wetlands and their economic, cultural, scientific, and recreational value.

**Binding on Namibia:** 23 December 1995 (Article 10(2) of the Convention)
- accession: 23 August 1995 (source: UNESCO)
- entry into force internationally: 21 December 1975 (source: UNESCO)

**Depositary:** UNESCO Director-General

**Amendments and protocols:**

Protocol to amend the Convention on Wetlands of International Importance especially Waterfowl Habitat, 1982

**Binding on Namibia:** 23 August 1995 (Article 6(2) of the Protocol)
- accession: 23 August 1995 (source: UNESCO)
- entry into force internationally: 1 October 1986 (source: UNESCO)

**Notes:** Article 6(2) of the Protocol provides that for a state which accedes after the date of its entry into force internationally this Protocol shall enter
into force on the date of the accession. As a result, the **Protocol was binding on Namibia before the Convention.**

**Amendments to Article 6 and 7 of the Convention on Wetlands of International Importance especially Waterfowl Habitat, 1987**

**Binding on Namibia:** 23 December 1995 (Article 10(2) of the Convention)
- accession: 23 August 1995 (source: UNESCO)
- entry into force internationally: 1 May 1994 (source: UNESCO)

**Notes:** Namibia deposited its instrument of accession to the Convention on 23 August 1995, which binds it to all the amendments made by that date (source: UNESCO).

**Convention relating to International Exhibitions (Paris Convention), 1928, as revised in 1972 and amended in 1982 and 1988**

**Summary:** The Convention establishes the International Exhibitions Bureau (BIE), an intergovernmental organization created to supervise international exhibitions (world fairs).

**Binding on Namibia:** Yes (source: BIE)

**Depositary:** Government of France (Ministry of Foreign Affairs and International Development)

**Notes:** The BIE lists Namibia as a member state. No other details could be obtained.

**Convention relating to the Status of Refugees, 1951**

**Summary:** The Convention defines who is a refugee, and sets out the rights of individuals who are granted asylum and the responsibilities of states that grant asylum. The Convention also sets out which people do not qualify as refugees, such as war criminals. The Convention also provides for some visa-free travel for holders of travel documents issued under the Convention. Where the Convention had restricted refugee status to those whose circumstances had come about “as a result of events occurring before 1 January 1951”, as well as giving states parties to the Convention the option of interpreting this as “events occurring in Europe” or “events occurring in Europe or elsewhere”, the 1967 Protocol removed both the temporal and geographic restrictions.

**Binding on Namibia:** 18 May 1995 (Article 43(2) of the Convention)
- accession: 17 February 1995 (source: UNTC)
- entry into force internationally: 22 April 1954 (source: UNTC)

**Depositary:** UN Secretary-General

**Notes:** Namibia entered the following reservation upon accession: “[S]ubject to the following reservation in respect of article 26: The Government of the Republic of Namibia reserves the right to designate a place or places for principal reception and residence for refugees or to restrict their freedom of movement if consideration of national security so required or make it advisable.”
Amendments and protocols:

**Protocol relating to the Status of Refugees (New York Protocol), 1967**

**Binding on Namibia:** 17 February 1995 (Article 8(2) of the Protocol)
- accession: 17 February 1995 (source: UNTC)
- entry into force internationally: 4 October 1967 (source: UNTC)

**Notes:** There was some technical confusion concerning the deposit of Namibia’s instrument of accession to this Protocol. The situation was clarified in an official communication from the United Nations dated 11 June 2004, when Namibia’s instrument of accession was accepted in deposit with effect from 17 February 1995 (the date when it was originally tendered) (source: UNTC; United Nations Reference LA41TR/1/V-5/1).

This is a rare case where the Protocol became binding on Namibia before the Convention since Article 43(2) of the Convention provides that the Convention becomes binding on Namibia only on the ninetieth day following the deposit of the instrument of accession, whereas Article XIII(2) of the Protocol provides that the Protocol becomes binding on the date of the deposit of the instrument of accession.

†**Geneva Convention for the Amelioration of Condition of Wounded and Sick in Armed Forces in the Field (First Geneva Convention), 1949**

**Summary:** The Convention provides for the protection of soldiers that are hors de combat (out of the battle due to sickness or injury), as well as medical and religious personnel, and civilians in battle zones.

**Binding on Namibia:** 21 March 1990 (source: Government of Switzerland; see Notes)
- entry into force internationally: 21 October 1950 (source: Government of Switzerland)

**Depositary:** Government of Switzerland (Federal Department of Foreign Affairs)

**Notes:** The United Nations Council for Namibia acceded to the Convention on behalf of Namibia on 18 October 1983, meaning that it entered into force for Namibia on 18 April 1984 (source: Government of Switzerland; UNIN, Independent Namibia: Succession to Treaty Rights & Obligations). However, Namibia indicated to the depositary in 1991 that it was succeeding to the treaty, which means, in accordance with rules of customary international law, and in the absence of any indication to the contrary, that the Convention became binding on Namibia as of the date of independence (21 March 1990). This was also expressly acknowledged by the depositary in its notification dated 25 October 1991.

This situation is unusual since Namibia has in its post-independence treaty practice only succeeded to treaties entered into by South Africa on behalf of Namibia and not to treaties entered into by the United Nations Council for Namibia on behalf of Namibia since the latter treaties are generally considered to continue to be binding on Namibia after independence in accordance with Article 143 of the Namibian
Constitution. A plausible reason for Namibia’s succession in 1991 may be that it considered South Africa to have also acceded to the Convention on behalf of Namibia. Such a duplication of accession is argued by Ronen in her book on Transition from Illegal Regimes under International Law, who points to the following declaration by Namibia of 1 August 1991 in response to a request by the depositary:

> Regarding your request on Namibia’s position…[t]he Government of the Republic of Namibia considers these conventions which were acceded to by the Republic of South Africa and extended to Namibia prior to the cancellation by the General Assembly of the United Nations Organisation of the mandate for South West Africa on 27th October 1966, to be binding upon Namibia by virtue of the doctrine in regard to treaty succession and more particularly in accordance with the provisions of Articles 143 and 144 of the Namibian Constitution.

This declaration is not publicly available and thus could not be verified. As mentioned above, the depositary indicates a succession by Namibia on 22 August 1991 without further details. While this issue has limited practical relevance since the depositary indicates that the Convention as a result of Namibia’s succession on 22 August 1991 became binding on Namibia on the date of independence, further research will be undertaken.

**Amendments and protocols:** The Geneva Protocols are separate treaties that build upon all four Geneva Conventions and so are listed as separate entries. Namibia has agreed to Protocols I and II: †Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977 and †Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977. There is also Protocol III of 8 December 2005, which entered into force on 14 January 2007 (source: Government of Switzerland), to which Namibia has not yet agreed.

†**Geneva Convention for the Amelioration of Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), 1949**

**Summary:** The Convention provides for the protection of navy soldiers that are hors de combat (out of the battle due to sickness or injury) or shipwrecked, as well as medical and religious personnel serving on battle ships.

**Binding on Namibia:** 21 March 1990 (see Notes)

succession: 22 August 1991 (source: Government of Switzerland)

entry into force internationally: 21 October 1950 (source: Government of Switzerland)

**Depositary:** Government of Switzerland (Federal Department of Foreign Affairs)

**Notes:** The United Nations Council for Namibia acceded to the Convention on behalf of Namibia on 18 October 1983, meaning that it entered into force for Namibia

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on 18 April 1984 (source: Government of Switzerland; UNIN, *Independent Namibia: Succession to Treaty Rights & Obligations*). Namibia indicated in 1991 to the depositary that it was succeeding to the treaty, which means, in accordance with rules of customary international law, and in the absence of any indication to the contrary, that the Convention became binding on Namibia as of independence, namely 21 March 1990. This was also expressly acknowledged by the depositary. See the Notes to *Geneva Convention for the Amelioration of Condition of Wounded and Sick in Armed Forces in the Field* (First Geneva Convention), 1949.

**Amendments and protocols:** The Geneva Protocols are separate treaties that build upon all four Geneva Conventions and so are listed as separate entries. Namibia has agreed to Protocols I and II: †*Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 1977 and †*Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 1977. There is also Protocol III of 8 December 2005, which entered into force on 14 January 2007 (source: Government of Switzerland), to which Namibia has not yet agreed.

†*Geneva Convention on Road Traffic, 1949*

**Summary:** The Convention establishes certain uniform rules regarding road traffic in order to promote road safety.

**Binding on Namibia:** 21 March 1990 (see Notes)
- succession: 13 October 1993 (source: UNTC)
- entry into force internationally: 26 March 1952 (source: UNTC)

**Depositary:** UN Secretary-General

**Notes:** South Africa entered into the Convention on 9 July 1952, and its territorial application extended to “South West Africa” (source: UNTC). Namibia’s entry in 1993 is indicated in the UN Treaty Series as “succession”, as opposed to “accession”, which would mean that, in accordance with the rules of customary international law, and in the absence of any indication to the contrary, the Convention became binding on Namibia on the date of independence (21 March 1990). However, it is unclear how Namibia could choose to succeed to a treaty that did not apply to Namibia upon independence (as South Africa is not a legally recognized predecessor state to Namibia).

The Convention has been superseded by the †*Vienna Convention on Road Traffic, 1968*, for those states that are parties to the latter treaty. Namibia is not a party to the Vienna Convention on Road Traffic, 1968.

†*Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention), 1949*

**Summary:** The Convention provides for the protection of prisoners of war, including conditions for their captivity and their repatriation after the end of hostilities.

**Binding on Namibia:** 21 March 1990 (see Notes)
The United Nations Council for Namibia acceded to the Convention on behalf of Namibia on 18 October 1983, meaning that it entered into force for Namibia on 18 April 1984 (source: Government of Switzerland; UNIN, Independent Namibia: Succession to Treaty Rights & Obligations). Namibia indicated in 1991 to the depositary that it was succeeding to the treaty, which means, in accordance with rules of customary international law, and in the absence of any indication to the contrary, that the Convention became binding on Namibia as of independence, namely 21 March 1990. This was also expressly acknowledged by the depositary. See the Notes to Geneva Convention for the Amelioration of Condition of Wounded and Sick in Armed Forces in the Field (First Geneva Convention), 1949.

Amendments and protocols: The Geneva Protocols are separate treaties that build upon all four Geneva Conventions and so are listed as separate entries. Namibia has agreed to Protocols I and II: †Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977 and †Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977. There is also Protocol III of 8 December 2005, which entered into force on 14 January 2007 (source: Government of Switzerland), to which Namibia has not yet agreed.

†Geneva Convention relative to Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 1949

Summary: The Convention provides for the protection of civilians during war.

Binding on Namibia: 21 March 1990 (see Notes)
• succession: 22 August 1991 (source: Government of Switzerland)
• entry into force internationally: 21 October 1950 (source: Government of Switzerland)

Depositary: Government of Switzerland (Federal Department of Foreign Affairs)

Notes: The United Nations Council for Namibia acceded to the Convention on behalf of Namibia on 18 October 1983, meaning that it entered into force for Namibia on 18 April 1984 (source: Government of Switzerland; UNIN, Independent Namibia: Succession to Treaty Rights & Obligations). Namibia indicated to the depositary in 1991 that it was succeeding to the treaty, which means, in accordance with rules of customary international law, and in the absence of any indication to the contrary, that the Convention became binding on Namibia as of independence (21 March 1990). This was also expressly acknowledged by the depositary. See the Notes to Geneva Convention for the Amelioration of Condition of Wounded and Sick in Armed Forces in the Field (First Geneva Convention), 1949.

Amendments and protocols: The Geneva Protocols are separate treaties that build upon all four Geneva Conventions and so are listed as separate entries. Namibia has agreed to Protocols I and II: †Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977 and †Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International
Armed Conflicts (Protocol II), 1977. There is also Protocol III of 8 December 2005, which entered into force on 14 January 2007 (source: Government of Switzerland), to which Namibia has not yet agreed.

Hague Agreement concerning the International Registration of Industrial Designs (Hague System), 1925, as governed by the 1999 Geneva Act

Summary: The Agreement provides a mechanism for registering an industrial design in several countries by means of a single application, filed in one language, with one set of fees. The system is administered by WIPO.

Binding on Namibia: 30 June 2004 (Article 28(3)(b) of the 1999 Geneva Act)
- accession: 31 March 2004 (source: WIPO)
- entry into force internationally: initially 1 June 1928 and 23 December 2003 for 1999 Geneva Act (source: WIPO)

Depository: WIPO Director-General

Notes: The Hague Agreement consists of three separate Acts which are currently in force: the 1934 London Act, the 1960 Hague Act and the 1999 Geneva Act. States can join the 1960 Hague Act, the 1999 Geneva Act, or both – or in the past, the 1934 London Act, which was frozen on 1 January 2010, although the renewal of existing designations under the 1934 Act and the recording in the International Register of any change affecting such designations will continue to be possible up to the maximum duration of protection under the 1934 Act (15 years). If a state accepts only one Act, then applicants for industrial design protection from that state can use the Hague system to obtain protection for their designs only in other states which are parties to the same Act. Namibia has joined only the 1999 Geneva Act (source: WIPO).

Article 24(1) of the 1999 Geneva Act provides that
Regulations shall govern the details of the implementation of this Act. They shall, in particular, include provisions concerning
(i) matters which this Act expressly provides are to be prescribed;
(ii) further details concerning, or any details useful in the implementation of, the provisions of this Act;
(iii) any administrative requirements, matters or procedures.

Article 24(3) of the 1999 Geneva Act clarifies that “[i]n the case of conflict between the provisions of this Act and those of the Regulations, the former shall prevail”.

The Assembly of the Contracting Parties is responsible for the amendment of the Regulations (Article 21(2)(iv) of the 1999 Geneva Act). Once the procedural requirements, in particular the ones contained in Article 21(3-5) and 24(2) of the 1999 Geneva Act, are met, the Regulations appear to become automatically binding on the contracting parties.

For up-to-date information on the Regulations, consult the WIPO website, www.wipo.int/hague/en/legal_texts/.

This Agreement and the Regulations are referenced in the Industrial Property Act 1 of 2012.

**Summary:** The Convention specifies the modalities through which a document issued in a member state can be certified for legal purposes in all the other member states. Such a certification is called an apostille, which is comparable to a notarization in domestic law.

**Binding on Namibia:** 30 January 2001 (Article 11 of the Convention)
- accession: 25 April 2000 (source: Government of the Netherlands)
- entry into force internationally: 24 January 1965 (source: Government of the Netherlands)

**Depositary:** Government of the Netherlands (Ministry of Foreign Affairs)

**Cases:** *S v Koch*, 2006 (2) NR 513 (SC).

**Notes:** Namibia is not a member of the Hague Conference (source: Hague Conference).


**Summary:** This Convention establishes safeguards to ensure that inter-country adoptions take place in the best interests of the child. It recognises that inter-country adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin, but requires that possibilities for the placement of the child within the country of origin be given due consideration first. The Convention establishes a system of co-operation between authorities in countries of origin and receiving countries, and provides safeguards against abuses as abduction, exploitation, sale or trafficking of children. The Convention also guarantees recognition in all contracting states of adoptions made in accordance with the Convention.

**Binding on Namibia:** 1 January 2016 (source: Government of the Netherlands)
- adoption: 29 May 1993 (source: HCCH)
- approval by National Assembly: 3 March 2015 (source: Minutes of the Hansards of 2015)
- accession: 21 September 2015 (source: Government of the Netherlands)
- entry into force internationally: 1 May 1995 (source: Government of the Netherlands)

**Depositary:** Government of the Netherlands (Ministry of Foreign Affairs)

**Notes:** This Convention is appended to the Child Care and Protection Act 3 of 2015.

ILO Convention concerning Discrimination in Respect of Employment and Occupation (No. 111), 1958

**Summary:** The Convention is one of eight ILO fundamental conventions. It requires states to enable legislation which prohibits all discrimination and exclusion on any basis including of race or colour, sex, religion, political opinion, national or social origin in employment and repeal legislation that is not based on equal opportunities.
Binding on Namibia: 13 November 2002 (Article 8(3) of the Convention)
- ratification: 13 November 2001 (source: ILO)
- entry into force internationally: 15 June 1960 (source: ILO)

Depositary: ILO Director-General

Notes: The Convention refers to “ratification” and not to “accession”, even after the date of entry into force internationally.

ILO Convention concerning Equal Remuneration (No. 100), 1951

Summary: The Convention is one of eight ILO fundamental conventions. It provides a framework for equal remuneration for work of equal value for men and women. States parties may accomplish this through legislation, introduction of a system for wage determination and/or collective bargaining agreements.

Binding on Namibia: 6 April 2011 (Article 6(3) of the Convention)
- ratification: 6 April 2010 (source: ILO)
- entry into force internationally: 23 May 1953 (source: ILO)

Depositary: ILO Director-General

Notes: The Convention refers to “ratification” and not to “accession”, even after the date of entry into force internationally.

ILO Convention concerning Forced or Compulsory Labour (No. 29), 1930

Summary: The Convention is one of 8 ILO fundamental conventions. It commits parties to prohibit the use of forced labour, admitting only five exceptions. Its object and purpose is to suppress the use of forced labour in all its forms irrespective of the nature of the work or the sector of activity in which it may be performed.

Binding on Namibia: 15 November 2001 (Article 28(3) of the Convention)
- ratification: 15 November 2000 (source: ILO)
- entry into force internationally: 1 May 1932 (source: ILO)

Depositary: ILO Director-General

Notes: The Convention refers to “ratification” and not to “accession”, even after the date of entry into force internationally.

Amendments and protocols:

Protocol of 2014 to the Forced Labour Convention, 1930

Binding on Namibia: will enter into force for Namibia on 6 of November 2018 in accordance with Article 8(2) of the Protocol
- ratification: 6 November 2017 (source: ILO)
- entry into force internationally: 9 November 2016 (source: ILO).
Notes: Article 8(2) of the Protocol states:
The Protocol shall come into force twelve months after the date on which ratifications of two Members have been registered by the Director-General. Thereafter, this Protocol shall come into force for a Member twelve months after the date on which its ratification is registered and the Convention shall be binding on the Member concerned with the addition of Articles 1 to 7 of this Protocol.

ILO Convention concerning Labour Administration: Role, Functions and Organisation (No. 150), 1978

Summary: The Convention sets out rules regarding certain administrative issues such as the role and organization of the ILO.

Binding on Namibia: 28 June 1997 (Article 8(3) of the Convention)
• ratification: 28 June 1996 (source: ILO)
• entry into force internationally: 11 October 1980 (source: ILO)

Depositary: ILO Director-General

Notes: The Convention refers to “ratification” and not to “accession”, even after the date of entry into force internationally.

ILO Convention concerning Minimum Age for Admission to Employment (No. 138), 1973

Summary: The Convention is one of eight ILO fundamental conventions. It requires ratifying states to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work. It replaces several similar ILO conventions in specific fields of labour.

Binding on Namibia: 15 November 2001 (Article 12(3) of the Convention)
• ratification: 15 November 2000 (source: ILO)
• entry into force internationally: 19 June 1976 (source: ILO)

Depositary: ILO Director-General

Notes: The Convention refers to “ratification” and not to “accession”, even after the date of entry into force internationally. Namibia has specified 14 years as its minimum age for employment (source: ILO).

ILO Convention concerning Termination of Employment at the Initiative of the Employer (No. 158), 1982

Summary: The Convention sets out rules regarding the termination of employment at the initiative of the employer.

Binding on Namibia: 28 June 1997 (Article 16(3) of the Convention)
• ratification: 28 June 1996 (source: ILO)
• entry into force internationally: 23 November 1985 (source: ILO)
Depositary: ILO Director-General

Notes: The Convention refers to “ratification” and not to “accession”, even after the date of entry into force internationally.

**ILO Convention concerning the Abolition of Forced Labour (No. 105), 1957**

**Summary:** The Convention is one of eight ILO fundamental conventions. It supplements the *ILO Convention concerning Forced or Compulsory Labour (No. 29), 1930*, by cancelling certain forms of forced labour still allowed under that Convention, such as punishment for strikes and punishment for holding certain political views.

**Binding on Namibia:** 15 November 2001 (Article 4(3) of the Convention)
- ratification: 15 November 2000 (source: ILO)
- entry into force internationally: 17 January 1959 (source: ILO)

Depositary: ILO Director-General

Notes: The Convention refers to “ratification” and not to “accession”, even after the date of entry into force internationally.

**ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No. 98), 1949**

**Summary:** The Convention is one of eight ILO fundamental conventions. It covers the rights of union members to organize independently, without interference by employers, and it requires the positive creation of rights to collective bargaining, and that each member state’s law promotes the Convention.

**Binding on Namibia:** 3 January 1996 (Article 8(3) of the Convention)
- ratification: 3 January 1995 (source: ILO)
- entry into force internationally: 18 July 1951 (source: ILO)

Depositary: ILO Director-General

Notes: The Convention refers to “ratification” and not to “accession”, even after the date of entry into force internationally.

**ILO Convention concerning the Freedom of Association and the Right to Organise (No. 87), 1948**

**Summary:** The Convention is one of eight ILO fundamental conventions. It provides a framework for the freedom of association and the right to organize of workers and employers.

**Binding on Namibia:** 3 January 1996 (Article 15(3) of the Convention)
- ratification: 3 January 1995 (source: ILO)
entry into force internationally: 4 Jul 1950 (source: ILO)

Depositary: ILO Director-General

Notes: The Convention refers to “ratification” and not to “accession”, even after the date of entry into force internationally.

ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), 1999

Summary: The Convention is one of eight ILO fundamental conventions. It sets out a framework for the prohibition and elimination of the worst forms of child labour such as slavery or practices similar to slavery, forced or bonded labour, commercial sexual exploitation or work that is by its nature likely to harm the health, safety or morals of children.

Binding on Namibia: 15 November 2001 (Article 10(3) of the Convention)
- ratification: 15 November 2000 (source: ILO)
- entry into force internationally: 19 November 2000 (source: ILO)

Depositary: ILO Director-General

Notes: The Convention refers to “ratification” and not to “accession”, even after the date of entry into force internationally.

ILO Convention concerning Tripartite Consultations to Promote the Implementation of International Labour Standards (No. 144), 1976

Summary: The Convention governs the process for implementation of measures regarding ILO conferences. It requires tripartite consultation before ratification, implementing legislation or denouncement of conventions.

Binding on Namibia: 3 January 1996 (Article 8(3) of the Convention)
- ratification: 3 January 1995 (source: ILO)
- entry into force internationally: 16 May 1978 (source: ILO)

Depositary: ILO Director-General

Notes: The Convention refers to “ratification” and not to “accession”, even after the date of entry into force internationally.

International Agreement for the Creation of an International Office for dealing with Contagious Diseases of Animals (Arrangement international pour la création, à Paris, d’un Office international des epizooties), 1925
Summary: The Agreement obliges the member states to set up and maintain an office to deal with contagious diseases of animals. It sets out the functions, membership, structure and powers of the office.

Binding on Namibia: 10 December 1990 (source: Government of France)
- accession: 10 December 1990 (source: Government of France)
- entry into force internationally: 11 June 1926 (source: Government of France)

Depositary: Government of France (Ministry of Foreign Affairs and International Development)

Notes: In 2003 the organization was renamed the World Organisation for Animal Health, but maintained its original French acronym OIE.

International Convention against Doping in Sport, 2005

Summary: The Convention obliges parties to restrict the availability of prohibited substances or methods to athletes, facilitate doping controls and support national testing programmes, and support the provision of anti-doping education to athletes and the wider sporting community.

Binding on Namibia: 1 February 2007
- approval by National Assembly: 21 September 2006 (source: Hansard)
- ratification: 29 November 2006 (source: UNESCO)
- entry into force internationally: 1 February 2007 (source: UNESCO)

Depositary: UNESCO Director-General

Notes: Neither the depositary nor the Government of Namibia provides a date of signature for Namibia. The Convention does not appear to require signature in case of ratification. Article 36 of the Convention states in this respect:

This Convention shall be subject to ratification, acceptance, approval or accession by Members States of UNESCO in accordance with their respective constitutional procedures. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General of UNESCO.

International Convention against the Taking of Hostages, 1979

Summary: States Parties to this Convention are required to establish jurisdiction over, and make punishable under their domestic laws, the offences described in the Convention to prevent the taking of hostages. As defined in Article 1 of the Convention, the offence of hostage-taking is committed by any person who seizes or detains and threatens to kill, to injure or to continue to detain another person (hereinafter referred to as the “hostage”) in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage….

Binding on Namibia: 2 October 2016 (Article 18(2) of the Convention)
- accession: 2 September 2016 (source: UNTC)
- entry into force internationally: 3 June 1983 (source: UNTC)

Depositary: UN Secretary-General
Notes: The Prevention and Combating of Terrorist and Proliferation Activities Act 4 of 2014 defines “terrorist activity” to include acts which are offences under this Convention.

International Convention for the Conservation of Atlantic Tunas (ICCAT), 1966, as amended

Summary: The Convention establishes the International Commission for the Conservation of Atlantic Tunas, responsible for the conservation of tunas and tuna-like species in the Atlantic Ocean and adjacent seas.

Binding on Namibia: 10 November 1999 (Article XIV(3) of the Convention)
- signature: 28 April 1999 (source: FAO)
- ratification: 10 November 1999 (source: FAO)
- entry into force internationally: 29 March 1969 (source: FAO)

Depositary: FAO Director-General

Amendments and protocols: According to Article XIII(1) of the Convention, “A government which becomes a Contracting Party after an amendment to this Convention has been opened for acceptance pursuant to the provisions of this Article shall be bound by the Convention as amended when the said amendment comes into force.” Accordingly, Namibia’s membership is subject to the amendments to the Convention made by the Paris Protocol, 1984, which entered into force internationally on 19 January 1997 and the Madrid Protocol, 1992, which entered into force internationally on 10 March 2005 (source: FAO).

International Convention for the Prevention of Pollution from Ships (MARPOL), 1973, as modified by the Protocol of 1978

Summary: The Convention regulates the prevention and minimizing of pollution from ships – both accidental pollution and that from routine operations. It includes six technical Annexes. The Convention was adopted on 2 November 1973. The Protocol of 1978 was adopted at a Conference on Tanker Safety and Pollution Prevention in February 1978 held in response to a spate of tanker accidents in 1976-1977. Since the 1973 Convention had not yet entered into force, the 1978 Protocol absorbed the parent Convention, giving rise to the name of the combined instrument (source: IMO).

Binding on Namibia: 18 March 2003 (Article 15(5) of the Convention)
- accession: 18 December 2002 (source: IMO)
- entry into force internationally: 2 October 1983 (source: IMO)

Depositary: IMO Secretary-General

Amendments and protocols: Namibia has adopted the Annexes listed below, but has not yet agreed to the Protocol of 1997 introducing Annex VI Prevention of Air Pollution from Ships, which entered into force on 19 May 2005 (source: IMO) or to the Optional Annex IV Prevention of Pollution by Sewage from Ships, which entered into force internationally on 27 September 2003 (source: IMO).
Namibia is bound by the **Annexes** that do not require specific acceptance, namely **Annex I Regulations for the Prevention of Pollution by Oil** (as amended, in force internationally from 1 January 2015) and **Annex II Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk** (as amended, in force internationally from 1 January 2015). These become automatically binding on all member states unless a specific number of states objects, in accordance with Article 16(2) of the Convention (source: IMO).

Amendments to the technical Annexes can also be adopted by means of a tacit acceptance procedure, whereby the amendments enter into force on a specified date unless an agreed number of States Parties object by an agreed date.

For up-to-date information on amendments to the Annexes, as well as Codes which have been made mandatory under the Convention, consult the IMO website: [www.imo.org](http://www.imo.org). A list of amendments and mandatory Codes, dated 10 July 2017 is available at [www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf](http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf).

**Optional Annex III Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form**

**Binding on Namibia:** 18 March 2003 (Article 15(5) of the Convention)
- accession: 18 December 2002 (source: IMO)
- entry into force internationally: 1 July 1992 (source: IMO)

**Optional Annex V Prevention of Pollution by Garbage from Ships**

**Binding on Namibia:** 18 March 2003 (Article 15(5) of the Convention)
- accession: 18 December 2002 (source: IMO)

**International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended**

**Summary:** The Convention provides for minimum safety standards in the construction, equipment and operation of ships.

**Binding on Namibia:** 27 February 2001 (Article X(b) of the Convention)
- accession: 27 November 2000 (source: IMO)
- entry into force internationally: 25 May 1980 (source: IMO)

**Depositary:** IMO Secretary-General

**Notes:** This Convention, as amended by the *Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974*, is appended to the *Merchant Shipping Act 57 of 1951*, a South African statute which is still in force in Namibia. However, amendments to the Convention are not reflected in the version of the Convention appended to the statute, nor are the amendments to the *Protocol of 1978*.

**Amendments and protocols:** Amendments to the Convention recommended by a sufficient number of Contracting States can come into force via a tacit acceptance
A procedure which allows for such amendments to enter into force on a specified date unless objections are received from a specified number of parties (Article VIII). For up-to-date information on amendments to the Convention, consult the IMO website: www.imo.org. A list of amendments dated 10 July 2017 is available at www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20Instruments.pdf.

Namibia has agreed to the Protocol listed below, but has not yet agreed to the Protocol of 1988 relating to the Harmonized System of Surveys and Certification, which entered into force internationally on 3 February 2000 (source: IMO).

**Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, as amended**

**Binding on Namibia:** 27 February 2001 (Article V(2) of the Protocol)
- accession: 27 November 2000 (source: IMO)
- entry into force internationally: 1 May 1981 (source: IMO)

**Amendments:** Amendments to the Protocol can come into force in the same way as amendments to the underlying Convention (see Article II (2) of the Protocol). For up-to-date information on amendments to the Protocol, consult the IMO website: www.imo.org. A list of amendments dated 10 July 2017 is available at www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20Instruments.pdf.

**International Convention for the Suppression of Acts of Nuclear Terrorism, 2005**

**Summary:** States Parties to this Convention are required to establish jurisdiction over and make punishable under their domestic laws, the offences described in the Convention to prevent Acts of Nuclear Terrorism. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally possesses radioactive material or makes or possesses a device with the intent to cause death or serious bodily injury, or substantial damage to property or to the environment, or uses in any way radioactive material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material with the intent to cause death or serious bodily injury, or substantial damage to property or to the environment, or to compel a natural or legal person, an international organization or a State to do or refrain from doing an act. The Convention does not apply where an act of this nature does not involve any international elements as defined by the Convention.

**Binding on Namibia:** 2 October 2016 (Article 25(2) of the Convention)
- accession: 2 September 2016 (source: UNTC)
- entry into force internationally: 7 July 2007 (source: UNTC)

**Depositary:** UN Secretary-General

**Notes:** The Prevention and Combating of Terrorist and Proliferation Activities Act 4 of 2014 defines “terrorist activity” to include acts which are offences under this Convention.
International Convention for the Suppression of Terrorist Bombings, 1997

Summary: States Parties to this Convention are required to establish jurisdiction over, and make punishable under their domestic laws, the offences described in the Convention. Any person commits an offence within the meaning of the Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility, with the intent to cause death or serious bodily injury, or extensive destruction likely to result or actually resulting in major economic loss. Any person also commits such an offence if that person attempts to commit an offence as set forth above or participates as an accomplice in an offence, organizes or directs others to commit an offence or in any other way contributes to the commission of such an offence by a group of persons acting with a common purpose. The Convention does not apply where an act of this nature does not involve any international elements as defined by the Convention.

Binding on Namibia: 2 October 2016 (Article 22(2) of the Convention)
- accession: 2 September 2016 (source: UNTC)
- entry into force internationally: 23 May 2001 (source: UNTC)

Depositary: UN Secretary-General

Notes: The Prevention and Combating of Terrorist and Proliferation Activities Act 4 of 2014 defines “terrorist activity” to include acts which are offences under this Convention.

International Convention for the Suppression of the Financing of Terrorism, 1999

Summary: The Convention obliges states parties to criminalize the financing of terrorism. It also provides rules for jurisdiction.

Binding on Namibia: 17 November 2012 (Article 26(2) of the Convention)
- signature: 10 November 2001 (source: UNTC)
- approval by National Assembly: 26 April 2012 (source: Hansard, Vol. 143, pp. 348-375)
- ratification: 18 October 2012 (source: UNCTC)
- entry into force internationally: 10 April 2002 (source: UNTC)

Depositary: UN Secretary-General

Notes: The Prevention and Combating of Terrorist and Proliferation Activities Act 4 of 2014 gives effect to this Convention.

International Convention for the Unification of Certain Rules relating to the arrest of Sea-Going Ships, 1952

Summary: The Convention provides for certain rules relating to the arrest of ships.
**Binding on Namibia:** 19 September 2002 (Article 15(3) of the Convention)
- accession: 14 March 2002 (source: Government of Belgium)
- entry into force internationally: 24 February 1956 (source: Government of Belgium)

**Depositary:** Government of Belgium (Ministry of Foreign Affairs).

**International Convention on Load Lines, 1966, as amended**

**Summary:** The Convention provides for the terms of ships surveys, issuance, duration, validity and acceptance of International Load Line Certificates.

**Binding on Namibia:** 22 May 2002 (Article 28(3) of the Convention)
- approval by National Assembly: 13 June 2001 (source: Hansard)
- accession: 22 February 2002 (source: IMO)
- entry into force internationally: 21 July 1968 (source: IMO)

**Depositary:** IMO Secretary-General

**Notes:** This Convention is appended to the *Merchant Shipping Act 57 of 1951*, a South African statute which is still in force in Namibia. Note that the Schedule to this Act does not reflect the amendments to the Convention and to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 as amended, which are applicable to Namibia.

**Amendments and protocols:** The Convention provides for amendments to be made by positive acceptance, with such amendments coming into force 12 months after being accepted by two-thirds of Contracting Parties. Amendments were proposed in 1971, 1975, 1979, 1983 and 1995 (with the last-mentioned being later superseded by the 2003 amendments to the 1988 Protocol), but none of these has received enough acceptances to enter into force internationally. Namibia did not agree to the 1971, 1975, 1979, 1983 or 1995 amendments to the Convention, which are not yet in force internationally (source: IMO). For up-to-date information on amendments to the Convention, consult the IMO website: [www.imo.org](http://www.imo.org). A list of amendments dated 10 July 2017 is available at [www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf](http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf).


The Convention was subsequently amended in 2005, with these amendments having come into force internationally on 3 February 2010. Namibia is bound by the 2005 amendments, having not objected to them in terms of the new procedure of tacit acceptance. The 2005 amendments entered into force internationally on 3 February 2010 (source: IMO).

Other amendments to the Convention agreed to in terms of the new tacit amendment procedure are set to come into force in the future. A list of amendments dated 10 July 2017 is available on the IMO website at [www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf](http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf).

**Binding on Namibia:** 22 May 2002 (Article V(3) of the Protocol)
- accession: 22 February 2002 (source: IMO)
- entry into force internationally: 3 February 2000 (source: IMO)

**Notes:** There have been a total of eight amendments to Annex B of the 1988 Protocol as of 10 July 2017. (See [www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf](http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf))

Namibia is bound by these amendments in terms of the procedure of tacit acceptance introduced by the Protocol, having not objected to them.

The 2003 amendments to Annex B of the Protocol, which came into force on 1 January 2005, amount to a comprehensive revision of the technical regulations of the original Load Lines Convention for ships flying the flags of States which are party to the Protocol. They also supersede the 1995 amendments to the Convention (source: IMO).


International Convention on Maritime Search and Rescue, 1979, as amended

**Summary:** The Convention provides an international search and rescue plan, so that, no matter where an accident occurs, the rescue of persons in distress at sea will be coordinated.

**Binding on Namibia:** 11 April 2004 (Article V(3) of the Convention)
- approval by National Assembly: 23 October 2002 (source: Hansard)
- accession: 12 March 2004 (source: IMO)
- entry into force internationally: 22 June 1985 (source: IMO)

**Depositary:** IMO Secretary-General

**Amendments:** Amendments to the Convention can be adopted by a tacit acceptance procedure in some circumstances. Amendments were made in 1998 and 2004. For up-to-date information on amendments, consult the IMO website: [www.imo.org](http://www.imo.org). A list of amendments dated 10 July 2017 is available at [www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf](http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf).

International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990

**Summary:** The Convention establishes measures for dealing with marine oil pollution incidents nationally and in co-operation with other countries.
**International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995**

**Summary:** The Convention sets qualification standards relating to training, certification and watchkeeping for masters, officers and watch personnel on seagoing fishing vessels of over 24 m in length.

**Binding on Namibia:** 29 September 2012
- approval by National Assembly: 10 June 2005 (source: Hansard, Vol. 110, pp. 64-68)
- accession: 18 December 2008 (source: IMO)
- entry into force internationally: 29 September 2012 (source: IMO)

**Depositary:** IMO Secretary-General.

**International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended**

**Summary:** The Convention sets qualification standards relating to training, certification and watchkeeping for masters, officers and watch personnel on seagoing merchant ships.

**Binding on Namibia:** 24 April 2005 (Article XIV(4) of the Convention)
- approval by National Assembly: 28 February 2002 (source: Hansard)
- accession: 24 January 2005 (source: IMO)
- entry into force internationally: 28 April 1984 (source: IMO)

**Depositary:** IMO Secretary-General

**Notes:** This Convention is appended to the *Merchant Shipping Act 57 of 1951*, a South African statute which is still in force in Namibia. However, amendments to the Convention are not reflected in the version of the Convention appended to the statute.

†International Convention on the Elimination of All Forms of Racial Discrimination, 1966

Summary: The Convention commits its members to the elimination of racial discrimination and the promotion of understanding among all races. It also requires its parties to outlaw hate speech and criminalize membership in racist organizations. The Convention sets up the International Committee on the Elimination of Racial Discrimination (ICERD) and provides for an individual complaints mechanism.

Binding on Namibia: 11 December 1982 (Article 19(2) of the Convention)
- accession: 11 November 1982 (source: UNTC)
- entry into force internationally: 4 January 1965 (source: UNTC)

Depositary: UN Secretary-General

Cases: Kauesa v Minister of Home Affairs & Others, 1994 NR 102 (HC).

Notes: The United Nations Council for Namibia acceded to this Convention on behalf of Namibia in 1982, with the result that the Convention continued to be binding on Namibia after independence in terms of Article 143 of the Namibian Constitution. The depositary lists Namibia as a party, with a “historical note” by the UN Secretary-General regarding the general role of the United Nations Council for Namibia in respect of treaties (reproduced in the Background Information which accompanies this Appendix).

Amendments and protocols: Namibia has not yet agreed to the Amendment to Article 8 of the International Convention on the Elimination of all Forms of Racial Discrimination, 1992, which is not yet in force internationally (source: UNTC).

International Convention on the Harmonized Commodity Description and Coding System, 1983

Summary: The Convention establishes a harmonized system of tariff nomenclature, an internationally standardized system of names and numbers to classify traded products for customs purposes.

Binding on Namibia: 1 January 2006 (Article 13(2) of the Convention)
- approval by National Assembly: 9 October 2003 (source: Hansard)
- accession: 5 May 2004 (source: World Customs Organization, formerly Customs Co-operation Council)
- entry into force internationally: 1 January 1988 (source: World Customs Organization, formerly Customs Co-operation Council)

Depositary: WCO Secretary-General

The Convention provides for transparency and predictability of customs actions, standardization and simplification of the goods declaration and supporting documents, simplified procedures for authorized customs persons, use of risk management and audit based controls and coordinated interventions with other border agencies.

**Binding on Namibia:** 3 May 2006 (Article 18(2) of the Convention)
- approval by National Assembly: 9 October 2003 (source: Hansard)
- accession: 3 February 2006 (source: World Customs Organization, formerly Customs Co-operation Council)
- entry into force internationally: 3 February 2006 (source: World Customs Organization, formerly Customs Co-operation Council)

**Depositary:** World Customs Organization Secretary-General

**Amendments and protocols:** Attached to the Convention are ‘Specific Annexes’ which contain sets of provisions applicable to one or more customs procedures and practices referred to in the Convention. Each Specific Annex consists, in principle, of Chapters which subdivide an Annex into definitions and standards. Namibia has not yet accepted any of the Specific Annexes or Chapters of the Convention (Article 8(3) of the Convention).


**Summary:** The Convention declares apartheid an international crime and a crime against humanity, and provides for individual responsibility for those that are involved in it.

**Binding on Namibia:** 11 December 1982 (Article XV(2) of the Convention)
- accession: 11 November 1982 (source: UNTC)
- entry into force internationally: 18 July 1976 (source: UNTC)

**Depositary:** UN Secretary-General

**Notes:** The United Nations Council for Namibia acceded to this Convention on behalf of Namibia in 1982, with the result that the Convention continued to be binding on Namibia after independence in terms of Article 143 of the Namibian Constitution. The depositary lists Namibia as a party, with a “historical note” by the UN Secretary-General regarding the general role of the United Nations Council for Namibia in respect of treaties (reproduced in the Background Information which accompanies this Appendix).

**International Convention on Tonnage Measurement of Ships, 1969, as amended**

**Summary:** The Convention governs tonnage measurements of all ships built after July 1982. It specifies that tonnage is to be calculated as GT, which is a function of the moulded volume of all enclosed spaces of the ship.

**Binding on Namibia:** 27 February 2001 (Article 17(3) of the Convention)
- accession: 27 November 2000 (source: IMO)
entry into force internationally: 18 July 1983 (source: IMO)

Depositary: IMO Secretary-General

Notes: This Convention is appended to the Merchant Shipping Act 57 of 1951, a South African statute which is still in force in Namibia. However, amendments to the Convention are not reflected in the version of the Convention appended to the statute.

Amendments and protocols: The procedures for amendment of the Convention include procedures for tacit acceptance of amendments under certain circumstances. For up-to-date information on amendments to the Convention, consult the IMO website: www.imo.org. A list of amendments dated 10 July 2017 is available at www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf and includes reference to a 2013 amendment scheduled to come into force in 2017.

International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969

Summary: The Convention affirms the right of coastal states to take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastlines from pollution of the sea by oil, resulting from a maritime casualty. The Protocol extends the provision of the Convention to hazardous substances other than oil.

Binding on Namibia: 10 June 2004 (Article XI(2) of the Convention)
• approval by National Assembly: 6 March 2002 (source: IMO)
• accession: 12 March 2004 (source: IMO)
• entry into force internationally: 6 May 1975 (source: IMO)

Depositary: IMO Secretary-General

Amendments and protocols:

Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973, as amended

Binding on Namibia: 10 June 2004 (Article VI(2) of the Protocol)
• accession: 12 March 2004 (source: IMO)
• entry into force internationally: 30 March 1983 (source: IMO)

Amendments: Amendments to the Protocol can come into force by means of a tacit acceptance procedure, and it has been amended to update the list of substances it covers. For up-to-date information on amendments to the Convention, consult the IMO website: www.imo.org. A list of amendments dated 10 July 2017 is available at www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf.

International Covenant on Civil and Political Rights (ICCPR), 1966
Summary: The Covenant provides for civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. The Covenant is monitored by the UN Human Rights Committee (a separate body to the UN Human Rights Council) which reviews regular reports of states parties on how the rights are being implemented and individual complaints under the 1966 Optional Protocol.

**Binding on Namibia:** 28 February 1995 (Article 49(2) of the Covenant)
- accession: 28 November 1994 (source: UNTC)
- entry into force internationally: 23 March 1976 (source: UNTC)

**Depositary:** UN Secretary-General

**Cases:** Kauesa v Minister of Home Affairs & Others, 1994 NR 102 (HC); Namunjepo & Others v Commanding Officer, Windhoek Prison & Another, 1999 NR 271 (SC) at 284H-ff; Frank & Another v Chairperson of the Immigration Selection Board, 2001 NR 107 (SC); Government of the Republic of Namibia & Others v Mwilima & all other accused in the Caprivi treason trial, 2002 NR 235 (SC); S v Mushwena & Others, 2004 NR 276 (SC) at 320-22, 371, 390; S v Myburgh, 2008 (2) NR 592 (SC) at 597I-598A; Alexander v Minister of Justice & Others, 2009 (2) NR 712 (HC).


**Notes:** On 5 August 1999 Namibia made a declaration under Article 4(3) of the Covenant (Derogations) establishing a state of emergency in the Caprivi region and setting out the emergency regulations (Proclamations Nos. 23 and 24). Namibia also made declarations derogating from Articles 9(2) and 9(3) of the Covenant which were not made public. On 10 September 1999 Namibia made a declaration revoking the declaration of state of emergency and emergency regulations in the Caprivi region (Proclamation No. 27).

**Amendments and protocols:**

**Optional Protocol to the International Covenant on Civil and Political Rights, 1966**

**Summary:** The 1966 Optional Protocol establishes an individual complaints mechanism, allowing individuals to complain to the UN Human Rights Committee about violations of the Covenant.

**Binding on Namibia:** 28 February 1995 (Article 9(2) of the Protocol)
- accession: 28 November 1994 (source: UNTC)
- entry into force internationally: 23 March 1976 (source: UNTC)

**Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty, 1989**

** Binding on Namibia:** 28 November 1994 (Article 8(2) of the Protocol)
International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

Summary: The Covenant provides for economic, social, and cultural rights to the non-self-governing and trust territories and individuals, including labour rights and the right to social security, family life, health, education, the right to participate in cultural life and the right to an adequate standard of living. The Covenant is monitored by the UN Committee on Economic, Social and Cultural Rights (CESCR).

Binding on Namibia: 28 February 1995 (Article 27(2) of the Covenant)
- accession: 28 November 1994 (source: UNTC)
- entry into force internationally: 3 January 1976 (source: UNTC)

Depositary: UN Secretary-General

Amendments and protocols: Namibia has not yet agreed to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 2008, which entered into force internationally on 5 May 2013 (source: UNTC).

International Plant Protection Convention, 1951, as amended

Summary: The Convention sets out the parameters of international co-operation in controlling pests of plants and plant products and the framework for the development and application of harmonized phytosanitary measures.

Binding on Namibia: 23 February 2007 (Article XXII of the Convention)
- adherence: 23 February 2007 (source: FAO)
- entry into force internationally: 3 April 1952 (source: FAO)

Depositary: FAO Director-General

Amendments and protocols: Namibia is also bound by the amendments made by the FAO Conference at its 20th Session (November 1979) and at its 29th Session (November 1997) that came into force in April 1991 and October 2005 respectively, without having specifically agreed to them, in accordance with Article XIII(4) of the Convention.

International Telecommunication Regulations, 1988

Summary: The Regulations establish general principles relating to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services.

Binding on Namibia: 4 August 1994 (Article 216 of the ITU Convention)
- accession: 4 August 1994 (source: ITU)
- entry into force internationally: 1 July 1990 (source: ITU)
**Depositary:** International Telecommunication Union (ITU)

**Notes:** Article 216 of the Constitution and Convention of the International Telecommunication Union (ITU) (Geneva 1992) provides that acceptance of that agreement constitutes consent to be bound by the Administrative Regulations adopted by competent world conferences prior to the date of signature of the Constitution and the Convention, subject to any reservation made at the time of signature of the Administrative Regulations or revisions thereof to the extent that the reservation is maintained at the time of deposit of the instrument of ratification, acceptance, approval or accession.

**Amendments and protocols:**

**Final Acts of the World Conference on International Telecommunications (WCIT-12), Dubai 2012**

**Binding on Namibia:** not yet binding
- signature: 14 December 2012 (source: ITU, as per Article 216 of the ITU Convention – automatic upon entry into the Convention)
- entry into force internationally: 1 January 2015 (source: ITU)

**Notes:** Namibia entered the following reservation upon signature:
In signing the Final Acts of the World Conference on International Telecommunications (WCIT-12) and having examined the declarations and reservations contained in Document 66, the delegation of the Republic of Namibia declares:
1) That it reserves for its Government the sovereign right to take any measures that it deems necessary and appropriate to safeguard and protect its interest and services, should any Member State of the International Telecommunication Union (ITO) fail to comply with the provisions of the Final Acts of this Conference (WCIT-12).
2) That its Government reserves the right to make any additional reservation that it deems necessary and appropriate up to the time of deposit of the instrument of ratification.

(source: ITU).

**International Treaty on Plant Genetic Resources for Food and Agriculture, 2001**

**Summary:** The Treaty governs the conservation, exploration, collection, characterization, evaluation and documentation of plant genetic resources for food and agriculture.

**Binding on Namibia:** 5 January 2005 (Article 28(2) of the Treaty)
- signature: 9 November 2001 (source: FAO)
- approval by National Assembly: 23 June 2004 (source: Hansard)
- ratification: 7 October 2004 (source: FAO)
- entry into force internationally: 29 June 2004 (source: FAO)

**Depositary:** FAO Director-General.
Madrid Agreement concerning the International Registration of Marks (Madrid System), 1891, as revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934), Nice (1957) and Stockholm (1967), and as amended in 1979

Summary: The Agreement establishes the primary international system for facilitating the registration of trademarks in multiple jurisdictions around the world. Registration through the Madrid system does not create an “international” registration, rather, it creates a bundle of national rights able to be administered centrally.

Binding on Namibia: 30 June 2004 (Article 14(4)(b) of the Agreement)
- accession: 31 March 2004 (source: WIPO)
- entry into force internationally: 15 July 1892 (source: WIPO)

Depositary: WIPO Director-General

Notes: Pursuant to Article 3bis of the Agreement, the Government of Namibia declared that the protection resulting from the international registration shall extend to Namibia only at the express request of the proprietor of the mark (source: WIPO).

This Agreement is cited in the Industrial Property Act 1 of 2012.

Amendments and protocols:


Binding on Namibia: 30 June 2004 (Article 14(4)(b) of the Protocol)
- accession: 31 March 2004 (source: WIPO)
- entry into force internationally: 1 December 1995 (source: WIPO)

Notes: In accordance with Article 14(5) of the Protocol, Namibia has declared that “the protection resulting from any international registration effected under this Protocol before the date of entry into force of this Protocol with respect to it cannot be extended to it” (source: WIPO).

Namibia is also bound by the 2006 and 2007 amendments by virtue of Article 13(3) of the Protocol which provides:
Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of those States and intergovernmental organizations which, at the time the amendment was adopted, were members of the Assembly and had the right to vote on the amendment. Any amendment to the said Articles thus accepted shall bind all the States and intergovernmental organizations which are Contracting Parties at the time the amendment enters into force, or which become Contracting Parties at a subsequent date.

**Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, 2013**

GLOBAL-68
Summary: The Treaty provides for copyright exceptions to facilitate the creation of accessible versions of books and other copyrighted works. It sets a norm for countries ratifying the Treaty to have a domestic copyright exception covering these activities, and allowing for the import and export of such materials.

Binding on Namibia: not yet binding
- signature: 12 August 2013 (source: WIPO)
- entry into force internationally: 30 September 2016 (source: WIPO; Article 18 of the Treaty)

Depositary: WIPO Director-General.

Minamata Convention on Mercury, 2013

Summary: The Convention aims to protect human health and the environment from the adverse effects of mercury. It includes a ban on new mercury mines, the phase-out of existing ones, the phase out and phase down of mercury use in a number of products and processes, control measures on emissions to air and on releases to land and water, and the regulation of the informal sector of artisanal and small-scale gold mining. The Convention also addresses interim storage of mercury and its disposal once it becomes waste, sites contaminated by mercury as well as health issues.

Binding on Namibia: 5 December 2017 (Article 31(2) of the Convention)
- accession: 6 September 2017 (source: UNTC)
- entry into force internationally: 16 August 2017 (source: UNTC)

Depositary: UN Secretary-General.

Paris Agreement, 2015

Summary: The agreement intends to strengthen the global response to the threat of climate change and the ability of countries to deal with the impacts of climate change.

Binding on Namibia: 4 November 2016
- signature: 22 April 2016 (source: UNTC)
- approval by National Assembly: 15 September 2016 (source: Minutes of the National Assembly 2016)
- ratification: 21 September 2016 (source: UNTC)
- entry into force internationally: 4 November 2016 (source: UNTC)

Depositary: UN Secretary-General.

Paris Convention for the Protection of Industrial Property, 1883, as revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934), Lisbon (1958) and Stockholm (1967), and as amended in 1979
Summary: The Convention establishes a union for the protection of industrial property. The substantive provisions of the Convention fall into three main categories: national treatment, priority right and common rules.

Binding on Namibia: 1 January 2004 (as per exceptional indication in accordance with Article 21(3) of the Convention)
- approval by National Assembly: 28 March 2003 (source: Hansard)
- accession: 29 December 2003 (source: WIPO)
- entry into force internationally: 7 July 1884 (source: WIPO)

Depositary: WIPO Director-General

Notes: This Convention is cited in the Industrial Property Act 1 of 2012.


Summary: The Treaty provides for patent protection for an invention simultaneously in each of a large number of countries by filing an “international” patent application. Such an application may be filed by anyone who is a national or resident of a PCT contracting state.

Binding on Namibia: 1 January 2004 (Article 63(2) of the Treaty)
- approval by National Assembly: 28 March 2003 (source: Hansard)
- accession: 1 October 2003 (source: WIPO)
- entry into force internationally: 24 January 1978 (source: WIPO)

Depositary: WIPO Director-General

Notes: Namibia does not consider itself bound by Article 59 of the Treaty (source: Ministry of Foreign Affairs). However, this reservation is not registered by the depositary and, as a result, does not appear to be effective.

This Treaty is cited in the Industrial Property Act 1 of 2012.

†Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977

Summary: The Protocol provides protection to victims of international armed conflicts. It clarifies and adds new provisions to accommodate developments in modern international warfare that have taken place since the Second World War.

Binding on Namibia: 21 March 1990 (source: Government of Switzerland; see Notes)
- succession: 17 June 1994 (source: Government of Switzerland; see Notes)
- entry into force internationally: 7 December 1978 (source: Government of Switzerland)

Depositary: Government of Switzerland (Federal Department of Foreign Affairs)
Notes: The Government of Switzerland, as the depositary, appears to make contradictory information available regarding the date on which Namibia became a party to the Protocol.

In a notification of 30 November 1983, the depositary indicated that the United Nations Council for Namibia had acceded to the Protocol on behalf of Namibia on 18 October 1983, meaning that the Protocol would take effect for Namibia on 18 April 1984 (original notification available in French at www.dfae.admin.ch/content/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/831130-GENEVE_f.pdf; English version available at www.dfae.admin.ch/content/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/831130-GENEVE_e.pdf). It should be noted that UNIN, in Independent Namibia: Succession to Treaty Rights & Obligations, indicates 12 March 1984 as the date of entry into force.

In a notification of 27 July 1994, the depositary confirmed that Namibia had deposited the following declaration:

The Ministry of Foreign Affairs wishes to inform that the Protocols are binding on Namibia, in accordance with Article 143 of the Namibian Constitution, which provides that

“All existing international agreements binding upon Namibia shall remain in force, unless and until the National Assembly acting under Article 63(2)(d) hereof otherwise decides.”

(original available in French at www.dfae.admin.ch/content/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/940727_1-GENEVE_f.pdf; English version available at www.dfae.admin.ch/content/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/940727_1-GENEVE_e.pdf).

The latest status list (which is not dated but indicates 2 April 2014 as the date of the last entry registered) indicates that the Protocol entered into force for Namibia on 21 March 1990 after it deposited an instrument of ratification/accession/succession on 17 June 1994 (available only in French, at www.fdfa.admin.ch/content/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/1977-PROT-1_fr.pdf).

Thus, it appears that the depositary has interpreted Namibia’s reference to Article 143 of the Namibian Constitution in its declaration of 17 June 1994 as a declaration of succession, even though this general notification differed from Namibia’s explicit declaration of succession to the Geneva Conventions and is also generally not considered sufficient for purposes of succession (see, for example, UN Secretary-General, “Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties, Prepared by the Treaty Section of the Office of Legal Affairs” (1999), UN Doc ST/LEG/7/Rev.1, paras. 303-306). It also seems to differ from the general approach taken regarding pre-independence treaties acceded to by the UNCN on behalf of Namibia, which usually are considered to continue to be binding on Namibia from the date of accession and not to become binding only on the date of independence.

The information provided in this entry is based on the most current information available from the depositary.

Amendments and protocols: Annex I of the Protocol was replaced by a new one on 1 March 1994 (source: Government of Switzerland); this amendment became automatically binding on Namibia in accordance with Article 98 of the Protocol.
†Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977

Summary: The Protocol provides protection of victims of non-international armed conflicts. It defines certain international laws that strive to provide better protection for victims of internal armed conflicts that take place within the borders of a single country.

Binding on Namibia: 18 April 1984 (source: Government of Switzerland; see Notes)
- accession: 18 October 1983 (source: Government of Switzerland)
- entry into force internationally: 7 December 1978 (source: Government of Switzerland)

Depositary: Government of Switzerland (Federal Department of Foreign Affairs)

Notes: The Government of Switzerland, as the depositary, appears to make contradictory information available regarding the date on which Namibia became a party to the Protocol.

In a notification of 30 November 1983, the depositary indicated that the United Nations Council for Namibia had acceded to the Protocol on behalf of Namibia on 18 October 1983, meaning that the Protocol would take effect for Namibia on 18 April 1984 (original notification available in French at www.dfae.admin.ch/content/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/831130-GENEVE_f.pdf; English version available at www.dfae.admin.ch/content/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/831130-GENEVE_e.pdf). It should be noted that UNIN, in *Independent Namibia: Succession to Treaty Rights & Obligations*, indicates 12 March 1984 as the date of entry into force.

In a notification of 27 July 1994, the depositary confirmed that Namibia had deposited the following declaration:

> The Ministry of Foreign Affairs wishes to inform that the Protocols are binding on Namibia, in accordance with Article 143 of the Namibian Constitution, which provides that
> “All existing international agreements binding upon Namibia shall remain in force, unless and until the National Assembly acting under Article 63(2)(d) hereof otherwise decides.”

(Original available in French at www.dfae.admin.ch/content/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/940727_1-GENEVE_f.pdf; English version available at www.dfae.admin.ch/content/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/940727_1-GENEVE_e.pdf).

The latest status list (which is not dated but indicates 2 April 2014 as the date of the last entry registered) indicates that the Protocol entered into force for Namibia on 21 March 1990 after it deposited an instrument of ratification/accession/succession on 17 June 1994 (available only in French, at www.fdfa.admin.ch/content/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/1977-prot-2-parties_fr.pdf). Thus, it appears that the depositary has interpreted Namibia’s reference to Article 143 of the Namibian Constitution in its declaration of 17 June 1994 as a declaration of succession, even though this general notification
differed from Namibia’s explicit declaration of succession to the Geneva Conventions and is also generally not considered sufficient for purposes of succession (see, for example, UN Secretary-General, “Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties, Prepared by the Treaty Section of the Office of Legal Affairs” (1999), UN Doc ST/LEG/7/Rev.1, paras. 303-306). It also seems to differ from the general approach taken regarding pre-independence treaties acceded to by the UNCN on behalf of Namibia, which usually are considered to continue to be binding on Namibia from the date of accession and not to become binding only on the date of independence.

The information provided in this entry is based on the most current information available from the depositary.

Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969, as amended

Summary: The Protocol and Convention govern the amount of compensation payable where oil pollution damage was caused by maritime casualties involving oil tankers including uncapped liability for shipowners when they are at fault. Namibia is a party to the Protocol, but not to the underlying Convention. The Scheme established in terms of the Protocol of 1992 will eventually replace the 1969 Convention. It is thus sometimes referred to as the 1992 Civil Liability Convention.

Binding on Namibia: 18 December 2003 (Article 13(4) of the Protocol)
• accession: 18 December 2002 (source: IMO)
• entry into force internationally: 30 May 1996 (source: IMO)

Depositary: IMO Secretary-General

Notes: According to Article 12(5) of the Protocol, parties to the Protocol that are not parties to the original Convention (such as Namibia) are bound by the terms of the Convention (as amended by the Protocol) in their relations with other parties to the Protocol, but not with states that are only parties to the Convention and not the Protocol.

Amendments and protocols: Amendment to the limits of liability laid down in Article V, paragraph 1, of the 1969 Liability Convention as amended by this Protocol can be adopted by means of a tacit acceptance procedure. Such amendments were adopted in 2000 and came into force on a November 2003. For up-to-date information on amendments to the Convention, consult the IMO website: www.imo.org. A list of amendments dated 10 July 2017 is available at www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20Instruments.pdf.

States which are parties to the Protocol of 1992 may also become parties to the 1992 Fund Convention, which is supplementary to the 1992 Civil Liability Convention and establishes a regime for compensating victims when the compensation under the 1992 Civil Liability Convention is inadequate. The International Oil Pollution Compensation Fund 1992, generally referred to as the IOPC Fund 1992 or the 1992 Fund, is a worldwide intergovernmental organisation established for the purpose of administering the compensation regime created by the 1992 Fund Convention. The 1992 Fund Convention was initially the Protocol of 1992 to the International Convention on the Establishment of an International Fund for Compensation for


**Binding on Namibia:** 18 December 2003 (Article 30(3) of the Protocol)
- accession: 18 December 2002 (source: IMO)
- entry into force internationally: 30 May 1996 (source: IMO)

**Amendments:** Amendments to the Protocol can be subject to tacit acceptance under certain circumstances. Amendments made in 2000 came into force on 1 November 2003. For up-to-date information on amendments to the Protocol consult the IMO website: [www.imo.org](http://www.imo.org). A list of amendments and mandatory Codes, dated 10 July 2017 is available at [www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf](http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/List%20of%20instruments.pdf).

†**Radio Regulations as adopted by the World Administrative Radio Conference, 1979**

**Summary:** The Regulations govern the use of international satellite and orbit resources.

**Binding on Namibia:** 25 January 1984 (source: ITU; automatic upon entry into the International Telecommunication Convention (Nairobi, 1982), which the UN Council for Namibia did on behalf of Namibia. The International Telecommunication Convention (Nairobi, 1982) was subsequently replaced by the Constitution and Convention of the International Telecommunication Union (ITU) (Geneva 1992).
- accession: 25 January 1984 (source: ITU)
- entry into force internationally: 1 July 1990 (source: ITU)

**Depository:** International Telecommunication Union (ITU)

**Amendments and protocols:**


**Binding on Namibia:** 4 August 1994 (source: ITU, as per Article 216 of the ITU Convention – automatic upon entry into the Convention)
- accession: 4 August 1994 (source: ITU)


**Binding on Namibia:** 4 August 1994 (source: ITU, as per Article 216 of the ITU Convention – automatic upon entry into the Convention)
• accession: 4 August 1994 (source: ITU)


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• accession: 4 August 1994 (source: ITU)


**Binding on Namibia:** 4 August 1994 (source: ITU, as per Article 216 of the ITU Convention – automatic upon entry into the Convention)

• accession: 4 August 1994 (source: ITU).

**Radio Regulations as adopted by the World Radiocommunication Conference (WRC-95), 1995**

**Summary:** The Regulations define the allocation of different frequency bands to different radio services, the mandatory technical parameters to be observed by radio stations, and procedures for the coordination (ensuring technical compatibility) and notification (formal recording and protection in the Master International Frequency Register) of frequency assignments made to radio stations by national governments.

**Binding on Namibia:** not yet binding

• signature: 17 November 1995 (source: ITU)

• entry into force internationally: 1 January 1997 (source: ITU)

**Depositary:** International Telecommunication Union (ITU)

**Amendments and protocols:** Namibia has agreed to the amendments listed below, but has not yet agreed to the **Final Acts of the World Radiocommunication Conference (WRC-03), Geneva 2003,** which entered into force internationally on 1 January 2005, and the **Final Acts of the World Radiocommunication Conference (WRC-15), Geneva 2015,** which entered into force internationally on 1 January 2017 (source: ITU).
**Final Acts of the World Radiocommunication Conference (WRC-97), Geneva 1997**

**Binding on Namibia:** not yet binding  
- signature: 21 November 1997 (source: ITU)  
- entry into force internationally: 1 June 1998 (source: ITU)

**Notes:** Namibia entered the following declaration upon signature:  
In signing the Final Acts of the World Radiocommunication Conference (Geneva, 1997), the delegation of the Republic of Namibia reserves for its Government the right to take such actions, as may be considered necessary, to safeguard its interests should any Resolutions and Recommendations adopted by the above-mentioned Conference jeopardize in any way the radiocommunication services of the Republic of Namibia.  
(source: ITU).


**Binding on Namibia:** not yet binding  
- signature: 2 June 2000 (source: ITU)  
- entry into force internationally: 1 January 2002 (source: ITU)

**Notes:** Namibia entered the following declaration upon signature:  
In signing the Final Acts of the World Radiocommunication Conference (Istanbul, 2000), the delegation of the Republic of Namibia reserves for its Government the right to take such actions, as may be considered necessary, to safeguard its interests should any Resolutions and Recommendations adopted by the above-mentioned Conference jeopardize in any way the radiocommunication services of the Republic of Namibia.  
(source: ITU).

**Final Acts of the World Radiocommunication Conference (WRC-2007), Geneva 2007**

**Binding on Namibia:** not yet binding  
- signature: 16 November 2007 (source: ITU)  
- entry into force internationally: 1 January 2009 (source: ITU)

**Notes:** Namibia entered the following declaration upon signature:  
In signing the Final Acts of the World Radiocommunication Conference (WRC-07) for dealing with frequency allocations in certain parts of the spectrum the delegation of the Republic of Namibia states the intention of its Administration to comply with the provisions of the Final Acts of the Conference without prejudice to the Republic of Namibia's sovereign right to take any measures that the Government deems necessary to safeguard and protect its broadcasting, telecommunication and other services in the event of harmful interference caused to the said services by any Member failing to comply with the provisions of the Radio Regulations as revised by this Conference, particularly new allocations made by this Conference on the condition of causing no harmful interference to existing services.  
(source: ITU).

**Final Acts of the World Radiocommunication Conference (WRC-12), Geneva 2012**
**Regional Agreement GE06, adopted by RRC-06, relating to the planning of the digital terrestrial broadcasting service in Region 1 in the frequency bands 174-230 MHz and 470-862 MHz, 2006**

**Summary:** The Agreement provides for the allocation of certain radio frequency bands for the use of terrestrial broadcasting service within Region No 1 (to which Namibia belongs).

**Binding on Namibia:** not yet binding
- entry into force internationally: 17 June 2007 (source: ITU)

**Depositary:** International Telecommunication Union (ITU)

**Notes:** Namibia entered the following reservation upon signature: The Government of the Republic of Namibia, as a sovereign State, reserves the right to take any action it deems necessary to safeguard its interest in the event of Members failing in any way to comply with the provisions of the Agreement (GE06) of the regional Radiocommunication Conference (RRC-06) for dealing with frequency allocations in certain parts of the spectrum or should reservations by other countries jeopardize its broadcasting or telecommunication services.

Although this Agreement is described as a “regional” one, it has been placed in the GLOBAL section of this index because of the wide geographical reach of the Member States of the ITU which adopted it. (See ITU, Final Acts of the Regional Radiocommunication Conference for planning of the digital terrestrial broadcasting service in parts of Regions 1 and 3, in the frequency bands 174-230 MHz and 470-862 MHz (RRC-06) Geneva, 15 May – 16 June 2006, available at http://search.itu.int/history/HistoryDigitalCollectionDocLibrary/4.129.43.en.100.pdf.)
international crimes: genocide, crimes against humanity, war crimes and the crime of aggression.

**Binding on Namibia:** 1 September 2002 (Article 126(2) of the Statute)
- signature: 27 October 1998 (source: UNTC)
- ratification: 25 June 2002 (source: UNTC)
- entry into force internationally: 1 July 2002 (source: UNTC)

**Depositary:** UN Secretary-General


**Notes:** Namibia made the following **declarations and designations** under Article 87(1) and (2) upon ratification:
- Namibia declares that all requests for cooperation and any documents supporting the request, must either be in, or be accompanied by a translation into the English language.
- Namibia designates the Namibian diplomatic channel or the Permanent Secretary, Ministry of Justice of the Government of the Republic of Namibia as the appropriate channel of communication.

**Amendments and protocols:** Namibia has accepted the Agreement listed below, but has not yet agreed to the Amendment to Article 8(2)(e) of the Rome Statute of the International Criminal Court, Kampala, 2010, which came into force internationally on 26 September 2012, or the Amendments on the crime of aggression to the Rome Statute of the International Criminal Court, Kampala, 2010, which are not yet in force internationally (source: UNTC).

Namibia co-sponsored **South Africa’s proposal to amend Article 16 of the Rome Statute**, as agreed upon by African States Parties to the Rome Statute during their meeting held from 3-6 November 2009 in Addis Ababa, Ethiopia (source: UNTC). This amendment was not adopted.

**Agreement on the Privileges and Immunities of the International Criminal Court, 2002**

**Binding on Namibia:** 22 July 2004
- signature: 10 September 2002 (source: UNTC)
- approval by National Assembly: 2 July 2003 (source: Hansard)
- ratification: 29 January 2004 (source: UNTC)
- entry into force internationally: 22 July 2004 (source: UNTC).


**Summary:** The Convention provides for shared responsibilities in relation to importation of hazardous chemicals. It promotes open exchange of information and
calls on exporters of hazardous chemicals to use proper labelling, include directions on safe handling, and inform purchasers of any known restrictions or bans.

**Binding on Namibia:** 22 September 2005 (Article 26(2) of the Convention)
- signature: 11 September 1998 (source: UNTC)
- ratification: 24 June 2005 (source: UNTC)
- entry into force internationally: 24 February 2004 (source: UNTC)

**Depositary:** UN Secretary-General

**Amendments and protocols:** Namibia is automatically bound by amendments to the Annexes, which list the substances that the Convention covers and other technical matters, in accordance with Article 22 of the Convention.

**Single Convention on Narcotic Drugs, 1961**

**Summary:** The Convention prohibits the production and supply of specific (nominally narcotic) drugs and of drugs with similar effects except under licence for specific purposes, such as medical treatment and research. The Convention has been supplemented by the *Convention on Psychotropic Substances, 1971*, and the *Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988*.

**Binding on Namibia:** 30 April 1998 (Article 41(2) of the Convention)
- accession: 31 March 1998 (source: UNTC)
- entry into force internationally: 8 August 1975 (source: UNTC)

**Depositary:** UN Secretary-General

**Amendments and protocols:**

**Protocol Amending the Single Convention on Narcotic Drugs, 1972**

**Binding on Namibia:** 30 April 1998 (Article 41(2) of the Convention; Article 19 of the Protocol)
- accession: 31 March 1998 (source: UNTC)
- entry into force internationally: 8 August 1975 (source: UNTC).

**†Statute of the International Atomic Energy Agency (IAEA), 1956, as amended**

**Summary:** The Statute establishes the International Atomic Energy Agency. It also establishes the functions, membership, structure and powers of the Agency.

**Binding on Namibia:** 17 February 1983 (source: Environmental Treaties and Resource Indicators Service; UNIN, *Independent Namibia: Succession to Treaty Rights & Obligations*)
- entry into force internationally: 29 July 1957 (source: IAEA)

**Depositary:** Government of the United States of America
Notes: The request of the United Nations Council for Namibia to make Namibia a member was accepted by the IAEA General Conference on 20 September 1982 (source: IAEA), with the result that the Statute continued to be binding on Namibia after independence in terms of Article 143 of the Namibian Constitution. The depositary does not appear to make information publicly available, and failed to provide it upon request.

Amendments and protocols: Namibia is bound by amendments made to the Statute in accordance with Article XVIII of the Statute. Amendments of Articles VI and XIV.A of the Statute made in Vienna on 1 October 1999 are not yet in force internationally (source: IAEA).

Statute of the International Renewable Energy Agency (IRENA), 2009

Summary: The Statute aims to promote the widespread and increased adoption and use of all forms of renewable energy with a view to sustainable development, amongst other things.

Binding on Namibia: 28 December 2013 (Article XIX(E) of the Statute)
- accession: 28 November 2013 (source: Government of Germany)
- entry into force internationally: 8 July 2010 (source: Government of Germany)

Depositary: Government of Germany

Notes: The depositary indicates that Namibia expressed its consent to be bound by ratification. However, since Namibia never signed the Statute and only expressed its consent to be bound after the Statute had entered into force, it seems more appropriate to describe the action as accession.

Statutes of the International Centre for Genetic Engineering and Biotechnology (ICGEB), 1983

Summary: The Statutes establish and regulate the work of the ICGEB, an international, non-profit organization for research and training in genetic engineering and biotechnology for the benefit of developing countries.

Binding on Namibia: 2 December 2012 (Article 21(2) of the Statutes)
- accession: 2 November 2012 (source: UNTC)
- entry into force internationally: 3 February 1994 (source: UNTC)

Depositary: UN Secretary-General

Amendments and protocols: Namibia has agreed to the protocol listed below, but has not yet agreed to the Protocol of the Reconvened Plenipotentiary Meeting on the Establishment of the International Centre for Genetic Engineering and Biotechnology, 1984, which entered into force internationally on 3 February 1994. Namibia has also not yet agreed to the Amendments to Articles 6 (6) and 7 (1) of the Statutes of the International Centre for Genetic Engineering and Biotechnology, 1996, which are not yet in force internationally (source: UNTC).
Protocol to the Statutes of the International Centre for Genetic Engineering and Biotechnology on the Seat of the Centre, 2007

**Binding on Namibia:** 29 May 2008
- signature: 24 October 2007 (source: UNTC; see Notes)
- entry into force internationally: 29 May 2008 (source: UNTC)

**Notes:** The Protocol does not require signature but adoption and adoption took place on 24 October 2007. Paragraph 2 of the Protocol provides that if within a period of six months from the notification by the UN Secretary-General of the adoption of the Protocol, no member state objects to it, the Protocol will be considered accepted and will enter into force automatically for all Parties to the Statutes. According to the UN Secretary-General, as the depositary, this took place on the 29 May 2008.

Statutes of the International Institute for Democracy and Electoral Assistance (International IDEA), 2006, as amended

**Summary:** The Statutes establish the International Institute for Democracy and Electoral Assistance (IDEA), an intergovernmental organization, to promote democracy, improve electoral processes and related objectives. The Statutes also set out the objectives, structure and powers of the organization.

**Binding on Namibia:** 21 November 2008
- accession: 21 August 2008 (source: International IDEA)
- entry into force internationally: 28 February 1995 (the original, unamended statute); 21 November 2008 (the amended statutes) (source: International IDEA)

**Depositary:** International IDEA Secretary-General

**Notes:** Namibia had applied for, and been accepted as, a state party to International IDEA by the Council in accordance with Article VII(5)(e) of the Statutes on 2 July 1997. However, it appears that Namibia did not deposit its instrument of accession under Article XVII of the Statutes until it acceded to the amended Statutes in 2008. According to Article XIV of the Statutes, amendments become binding on all member states one month after having been approved by two-thirds of the member states.

Statutes of the World Tourism Organization (UNWTO), 1970

**Summary:** The Statutes establish the UNWTO, the United Nations agency responsible for the promotion of responsible, sustainable and universally accessible tourism. The Statutes further provide the aims, structure and functions of the organization.

**Binding on Namibia:** 24 October 1997 (source: Government of Switzerland; Government of Spain)
- accession: 24 September 1997 (source: Government of Switzerland; Government of Spain)
- entry into force internationally: 2 January 1975 (source: Government of Spain; UNWTO)
**Depositary:** Originally the Government of Switzerland (Swiss Federal Department of Foreign Affairs), but this was changed to the Government of Spain (Spanish Ministry of Foreign Affairs) by the amendment to the Statutes adopted in Rome in September 1981. The amendment has not come into force internationally but is applied provisionally (source: UNWTO).

**Notes:** The Statutes do not contain any provision on entry into force in case of an accession after the entry into force internationally, but merely provide that the Statutes enter into force “one hundred and twenty days after fifty-one States whose official tourism organizations are Full Members of IUOTO at the time of adoption of these Statutes have formally signified to the provisional Depositary their approval of the Statutes and their acceptance of the obligations of membership” (see Article 36 of the Statutes). In the absence of an express provision, customary international law usually provides that the treaty becomes binding on a state on the date it deposited the instrument of ratification or accession. However, here the depositaries indicate 24 October 1997 as the date of entry into force for Namibia.

**Amendments and protocols:** Namibia is bound by amendments to the Statutes accepted by two-thirds of the members of the organization in accordance with Article 33(3) of the Statutes. The amendment listed below has been so accepted. The following amendments are pending but have not reached the level of acceptance to come into force internationally: 25 September 1981 (Article 37) applied provisionally, 14 October 1983 (Article 14) applied provisionally, 1 October 1987 (Article 15), 2 December 2005 (Articles 1, 4, 5, 6, 7, 9 and 14), 2 December 2005 (Article 22), 29 November 2007 (Article 38) and 24 July 2017 (Article 33) (source: UNWTO). According to the newly adopted Article 33(5) of the Statutes, the Amendments to Articles 14, 15, 22 and 37 will enter into force once the Amendment to Article 33 has entered into force internationally.

**Amendment to Article 38 of the Statutes of the World Tourism Organization, 1979**

- **Binding on Namibia:** 9 May 2008 (Article 33(3) of the Statutes)
  - entry into force internationally: 9 May 2008 (source: UNTC; Article 33(3) of the Statutes).


**Summary:** The Convention establishes rules and structures to protect human health and the environment from persistent organic pollutants.

- **Binding on Namibia:** 22 September 2005 (Article 26(2) of the Convention)
  - accession: 24 June 2005 (source: UNTC)
  - entry into force internationally: 17 May 2004 (source: UNTC)

- **Depositary:** UN Secretary-General

- **Amendments and protocols:** Namibia is bound by amendments to the Annexes to the Convention in accordance with Article 22 of the Convention, to the extent it has not indicated that it opts out from such amendments. Such amendments, from which Namibia did not opt out, were made in 2009, 2011, 2013 and 2015.
Treaty on the Non-Proliferation of Nuclear Weapons, 1968

**Summary:** The treaty aims to prevent the spread of nuclear weapons and weapons technology, to promote co-operation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament.

**Binding on Namibia:** 9 October 1992 (Article IX(4) of the Treaty)
- accession: 2, 7 and 9 October 1992 (source: Government of the United States of America)
- entry into force internationally: 5 March 1970 (source: Government of the United States of America)

**Depositary:** Government of the United States of America, the United Kingdom and the Russian Federation (former Soviet-Union)

**Notes:** According to Article IX(2), instruments of accession have to be deposited with all three depositaries. Namibia deposited its instruments of accession on different dates with the different depositaries – on 2 October 1992 with the Government of the United Kingdom, on 7 October 1992 with the Government of the United States of America and on 9 October with the Government of the Russian Federation (source: the depositaries). Article IX(4) provides that “[f]or States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession”. Thus, the treaty became binding for Namibia on 9 October 1992 when it deposited the last instrument of accession with the Government of the Russian Federation.


**Summary:** The Convention requires that states parties implement several anti-corruption measures which may affect their laws, institutions and practices. These measures aim at preventing corruption, criminalising certain conducts, strengthening international law enforcement and judicial cooperation, providing effective legal mechanisms for asset recovery, technical assistance and information exchange.

**Binding on Namibia:** 14 December 2005
- signature: 9 December 2003 (source: UNTC)
- approval by National Assembly: 28 April 2004 (source: Hansard)
- ratification: 3 August 2004 (source: UNTC)
- entry into force internationally: 14 December 2005 (source: UNTC)

**Depositary:** UN Secretary-General

**Commentary:**
United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988

Summary: The Convention is one of three major drug control treaties currently in force and provides additional legal mechanisms for enforcing the 1961 Single Convention on Narcotic Drugs and the 1971 Convention on Psychotropic Substances primarily by strengthening provisions against money laundering and other drug-related offenses.

Binding on Namibia: 4 June 2009 (Article 29 of the Convention)
- approval by National Assembly: 26 February 2009 (source: Hansard)
- accession: 6 March 2009 (source: UNTC)
- entry into force internationally: 11 November 1990 (source: UNTC)

Depositary: UN Secretary-General.


Summary: The Convention defines the rights and responsibilities of states with respect to their use of the world’s oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources. The Convention sets the limit for territorial waters and exclusive economic zones. The Convention also establishes the International Seabed Authority (ISA).

Binding on Namibia: 16 November 1994
- signature: 10 December 1982 (source: UNTC)
- ratification: 18 April 1983 (source: UNTC)
- entry into force internationally: 16 November 1994 (source: UNTC)

Depositary: UN Secretary-General

Cases: S v Curras, 1991 NR 208 (HC); Pineiro & Others v Minister of Justice & Others, 1991 NR 283 (HC); S v Carracelas & Others (2), 1992 NR 329 (HC); S v Martinez, 1993 NR 1 (HC); S v Pineiro & Others (1), 1993 NR 24 (HC).

Notes: The United Nations Council for Namibia ratified this Convention on behalf of Namibia in 1983, with the result that the Convention continued to be binding on Namibia after independence in terms of Article 143 of the Namibian Constitution. The depositary lists Namibia as a party, with a “historical note” by the UN Secretary-General regarding the general role of the United Nations Council for Namibia in respect of treaties (reproduced in the Background Information which accompanies this Appendix).

Amendments and protocols:


Binding on Namibia: 28 July 1996
• signature: 29 July 1994 (source: UNTC)
• ratification: 28 July 1995 (source: UNTC)
• entry into force internationally: 28 July 1996 (source: UNTC)

Notes: Namibia ratified the Agreement by way of simplified procedure set out in Article 4(3)(c) and 5 of the Agreement (source: UNTC). Before coming into force indefinitely on 28 July 1996, the Agreement came into force provisionally in accordance with its Article 7(1) on 16 November 1994, including for Namibia (source: UNTC).


Binding on Namibia: 11 December 2001
• signature: 19 April 1996 (source: UNTC)
• ratification: 8 April 1998 (source: UNTC; Proc. 10/1998, GG 1862)
• entry into force internationally: 11 December 2001 (source: UNTC)

**Protocol on the Privileges and Immunities of the International Seabed Authority, 1998

Binding on Namibia: not yet binding
• signature: 24 September 1999 (source: UNTC)
• entry into force internationally: 31 May 2003 (source: UNTC).

United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 1994

Summary: The Convention aims to combat desertification and mitigate the effects of drought through national action programs that incorporate long-term strategies supported by international cooperation and partnership arrangements.

Binding on Namibia: 14 August 1997 (Article 36(2) of the Convention)
• signature: 24 October 1994 (source: UNTC)
• ratification: 16 May 1997 (source: UNTC)
United Nations Framework Convention on Climate Change, 1992

Summary: The Convention aims to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. The Convention itself set no binding limits on greenhouse gas emissions for individual countries and contains no enforcement mechanisms. Instead, the Convention provides a framework for negotiating specific protocols that may set binding limits on greenhouse gases. The Kyoto Protocol establishes legally binding obligations for developed countries to reduce their greenhouse gas emissions.

Binding on Namibia: 14 August 1995 (Article 23(2) of the Convention)
- signature: 12 June 1992 (source: UNTC)
- ratification: 16 May 1995 (source: UNTC)
- entry into force internationally: 21 March 1994 (source: UNTC)

Depositary: UN Secretary-General

Amendments and protocols:

Kyoto Protocol to the UN Framework Convention on Climate Change, 1997

Binding on Namibia: 16 February 2005
- approval by National Assembly: 12 November 2002 (source: Hansard)
- accession: 4 September 2003 (source: UNTC)
- entry into force internationally: 16 February 2005 (source: UNTC)

Notes: It appears that Namibia acceded to the Protocol before it entered into force internationally.

Amendments: Namibia accepted the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change, 2012, which is not yet in force internationally, on 17 February 2015 (source: UNTC).

Vienna Convention for the Protection of the Ozone Layer, 1985

Summary: The Convention sets out a framework for the international efforts to protect the ozone layer. The objective of the Convention is to promote cooperation by means of systematic observations, research and information exchange on the effects of human activities on the ozone layer and to adopt legislative or administrative measures against activities likely to have adverse effects on the ozone layer. However, it does not include legally binding reduction goals for the use of CFCs, the main chemical agents causing ozone depletion. These are laid out in the accompanying Montreal Protocol.

Binding on Namibia: 19 December 1993 (Article 17(3) of the Convention)
- accession: 20 September 1993 (source: UNTC)
entry into force internationally: 22 September 1988 (source: UNTC)

Depositary: UN Secretary-General

Amendments and protocols:

Montreal Protocol on Substances that Deplete the Ozone Layer, 1987

Binding on Namibia: 19 December 1993 (Article 16(3) of the Protocol)
• accession: 20 September 1993 (source UNTC)
• entry into force internationally: 1 January 1989 (source: UNTC)

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at the Second Meeting of the Parties on 29 June 1990

Binding on Namibia: 4 February 1998 (Article 3(3) of the Amendment)
• ratification: 6 November 1997 (source: UNTC)
• entry into force internationally: 10 August 1992 (source: UNTC)

Notes: It appears that Namibia ratified the Amendment after its entry into force internationally and without prior signature.

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted at the Fourth Meeting of the Parties on 25 November 1992

Binding on Namibia: 26 October 2003 (Article 3(3) of the Amendment)
• approval by National Assembly: 28 March 2003 (source: Hansard)
• acceptance: 28 July 2003 (source: UNTC)
• entry into force internationally: 14 June 1994 (source: UNTC)

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Adopted by the Ninth Meeting of the Parties on 17 September 1997

Binding on Namibia: 26 October 2003 (Article 3(3) of the Amendment)
• approval by National Assembly: 28 March 2003 (source: Hansard)
• acceptance: 28 July 2003 (source: UNTC)
• entry into force internationally: 10 November 1999 (source: UNTC)

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, at the Eleventh Meeting of the Parties on 3 December 1999

Binding on Namibia: 30 December 2007 (Article 3(3) of the Amendment)
• approval by National Assembly: 19 April 2006 (source: Hansard)
• acceptance: 1 October 2007 (source: UNTC)
• entry into force internationally: 25 February 2002 (source: UNTC).

Vienna Convention on Consular Relations, 1963

Summary: The Convention provides a framework for consular relations between independent states. While a consul is not a diplomat, the Convention affords them most of the same privileges, including a variation of diplomatic immunity called consular immunity. It also requires a state arresting or detaining a foreign national to afford the detainee access to his or her consulate and to notify the foreign national of the right of consular access (Article 36).
Binding on Namibia: 14 October 1992 (Article 77(2) of the Convention)
- accession: 14 September 1992 (source: UNTC)
- entry into force internationally: 19 March 1967 (source: UNTC)

Depositary: UN Secretary-General

Amendments and protocols: Namibia has not yet agreed to the Optional Protocol to the Vienna Convention on Consular Relations concerning Acquisition of Nationality, 1963, or the Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes, 1963, both of which entered into force internationally on 19 March 1967 (source: UNTC).

Vienna Convention on Diplomatic Relations, 1961

Summary: The Convention provides a framework for diplomatic relations between independent states. It specifies the privileges of a diplomatic mission that enable diplomats to perform their function without fear of coercion or harassment by the host country. The Convention also provides for diplomatic immunity.

Binding on Namibia: 14 October 1992 (Article 51(2) of the Convention)
- accession: 14 September 1992 (source: UNTC)
- entry into force internationally: 24 April 1964 (source: UNTC)

Depositary: UN Secretary-General

Amendments and protocols: Namibia has not yet agreed to the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning Acquisition of Nationality, 1961, or the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes, 1961, both of which entered into force internationally on 24 April 1964 (source: UNTC).

WHO Framework Convention on Tobacco Control (WHO FCTC), 2003

Summary: The Convention was adopted under Article 19 of the WHO Constitution and seeks to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by enacting a set of universal standards stating the dangers of tobacco and limiting its use in all forms worldwide. To this end, the Convention provides rules that govern the production, sale, distribution, advertisement, and taxation of tobacco.

Binding on Namibia: 5 February 2006 (Article 36(2) of the Convention)
- signature: 29 January 2004 (source: UNTC)
- approval by National Assembly: 26 October 2005 (source: Hansard)
- ratification: 7 November 2005 (source: UNTC)
- entry into force internationally: 27 February 2005 (source: UNTC)

Depositary: UN Secretary-General

Amendments and protocols: Namibia has not yet agreed to the Optional Protocol to the WHO Framework Convention on Tobacco Control concerning the
**Elimination of Illicit Trade in Tobacco Products, 2012**, which is not yet in force internationally (source: UNTC).

**WIPO Copyright Treaty (WCT), 1996**

**Summary:** The Treaty provides additional protections for copyright deemed necessary due to advances in information technology since the formation of previous WIPO copyright treaties before it. It ensures that computer programs are protected as literary works (Article 4), and that the arrangement and selection of material in databases is protected (Article 5). It provides authors of works with control over their rental and distribution in Articles 6 to 8 which they may not have under the Berne Convention alone. It also prohibits circumvention of technological measures for the protection of works (Article 11) and unauthorized modification of rights management information contained in works (Article 12).

**Binding on Namibia:** not yet binding
- signature: 20 December 1996 (source: WIPO)
- entry into force internationally: 6 March 2002 (source: WIPO)

**Depositary:** WIPO Director-General.

**WIPO Performances and Phonograms Treaty (WPPT), 1996**

**Summary:** The Treaty aims to develop and maintain the protection of the rights of performers and producers of phonograms. This treaty does not disturb the existing obligations that contracting parties have to each other under the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations done in Rome, 1961, to which Namibia is not a party (source: WIPO).

**Binding on Namibia:** not yet binding
- signature: 20 December 1996 (source: WIPO)
- entry into force internationally: 20 May 2002 (source: WIPO)

**Depositary:** WIPO Director-General.

**World Heritage Convention, 1972**

**Summary:** The Convention provides a framework for nature conservation and preservation of cultural properties. The Convention defines the kind of natural or cultural sites which can be considered for inscription on the World Heritage List and the duties of states in protecting and preserving them. It also establishes an Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage (World Heritage Committee).

**Binding on Namibia:** 6 July 2000 (Article 33 of the Convention)
- accession: 6 April 2000 (source: UNESCO)
- entry into force internationally: 7 December 1975 (source: UNESCO)

**Depositary:** UNESCO Director-General.

**Summary:** The Cotonou Agreement is a treaty between the European Union and the African, Caribbean and Pacific Group of States and is aimed at the reduction and eventual eradication of poverty while contributing to sustainable development and to the gradual integration of ACP countries into the world economy. Its three pillars are: development cooperation; economic and trade cooperation through the EPA’s, seeking to make EU-ACP trade regimes WTO-compatible.

**Binding on Namibia:** 1 April 2003
- signature: 23 June 2000 (source: Council of the European Union Secretary-General)
- approval by National Assembly: 14 May 2002 (source: Hansard)
- ratification: 7 June 2002 (source: Council of the European Union Secretary-General)
- entry into force internationally: 1 April 2003 (source: ACP Secretary-General; Council of the European Union Secretary-General)

**Depositary:** ACP Secretary-General (for EU states); Council of the European Union Secretary-General (for ACP states)

**Notes:** The Cotonou Agreement replaced the Lomé Conventions, which had been the basis for ACP-EU development cooperation since 1975. It is broader in scope than any previous arrangement and is designed to last for a period of 20 years (from March 2000 to February 2020 in accordance with Article 95(1) of the Agreement). It contains a revision clause (Article 95) which foresees that the Agreement can be adapted every five years (with the exception of the economic and trade provisions, for which there is a special review procedure).

**Amendments and protocols:**

**Amendment to the Partnership Agreement, Luxembourg, 2005**

**Binding on Namibia:** 1 July 2008
- signature: 22 December 2005 (source: Council of the European Union Secretary-General)
- ratification: 22 August 2007 (source: Council of the European Union Secretary-General)
- entry into force internationally: 1 July 2008 (Council of the European Union Secretary-General)

**Amendment to the Partnership Agreement, Ouagadougou, 2010**

**Binding on Namibia:** 1 April 2017; provisionally binding since 31 October 2010
- signature: 30 September 2010 (source: Council of the European Union Secretary-General)
- ratification: 6 December 2012 (source: Council of the European Union Secretary-General)
- entry into force internationally: 1 April 2017; entered into force provisionally on 31 October 2010 (source: Council of the European Union Secretary-General)
Notes: The 2010 Amendment entered into force provisionally upon its signature. According to Article 93(3) of the Cotonou Agreement (which applies to amendments pursuant to Article 95(3) of the Cotonou Agreement) “[t]his Agreement shall enter into force on the first day of the second month following the date of deposit of the instruments of ratification of the Member States and of at least two-thirds of the ACP States, and of the instrument of approval of this Agreement by the Community”.

African Charter on Democracy, Elections and Governance, 2007

Summary: The Charter aims at encouraging better governance across the continent. It sets out international standards of good governance and democracy in such areas as rule of law, free and fair elections, and condemning unconstitutional changes of government.

Binding on Namibia: 30 August 2016 (see Notes)
- signature: 10 May 2007 (source: AU)
- approval by National Assembly: 14 July 2016 (source: Minutes of the Hansards of the National Assembly, 2016)
- ratification: 30 August 2016 (source: AU)
- entry into force internationally: 15 February 2012 (source: AU)

Depositary: Chairperson of the African Union Commission

Notes: The AU Secretariat distinguishes between the “date of ratification/accession” and the “date deposited”. While the “date of ratification/accession” indicates the date on which Namibia issued its instrument of ratification/accession, the “date deposited” indicates the date on which said instrument of ratification/accession was received by the AU Secretariat. Since only the latter makes the treaty binding on Namibia as a matter of international law, the date of ratification indicated above refers to the date the instrument was deposited.

The Charter does not contain a provision on entry into force in case of a ratification after its entry into force internationally, but merely provides in Article 48 that “[t]his Charter shall enter into force thirty (30) days after the deposit of fifteen (15) Instruments of Ratification”. In the absence of an express provision, customary international law provides that the Charter became binding on Namibia on 30 August 2016, the date it deposited the instrument of ratification.

African Charter on Human and Peoples’ Rights (Banjul Charter), 1981

Summary: The Charter aims to promote and protect human rights and basic freedoms in the African continent. The Charter also sets up the African Commission on Human and Peoples’ Rights to oversee and interpret the Charter.

Binding on Namibia: 16 December 1992 (Article 65 of the Charter)
- accession: 16 September 1992 (source: AU)
- entry into force internationally: 21 October 1986 (source: AU)

Depositary: AU Secretary-General
Cases: Kauesa v Minister of Home Affairs & Others 1994 NR 102 (HC); Sikunda v Government of the Republic of Namibia & Another (1) 2001 NR 67 (HC); Frank & Another v Chairperson of the Immigration Selection Board 2001 NR 107 (SC); Alexander v Minister of Justice & Others 2009 (2) NR 712 (HC).


Notes: The AU Secretariat distinguishes between the “date of ratification/accession” and the “date deposited”. While the “date of ratification/accession” indicates the date on which Namibia issued its instrument of ratification/accession, the “date deposited” indicates the date on which said instrument of ratification/accession was received by the AU Secretariat. Since only the latter makes the treaty binding on Namibia as a matter of international law, the date of accession indicated above refers to the date the instrument was deposited.

Amendments and protocols:

**Protocol to the African Charter on Human and Peoples’ Rights on the establishment of the African Court on Human and Peoples’ Rights, 1998**

**Binding on Namibia:** not yet binding
- signature: 9 June 1998 (source: AU)
- approval by National Assembly: 7 November 2000 (source: Hansard)
- entry into force internationally: 25 January 2004 (source: AU)

**Notes:** It should be noted that this Protocol will be replaced by the Protocol on the Statute of the African Court of Justice and Human Rights, 2008 upon its entry into force (Article 1 in conjunction with Article 9 of the Protocol on the Statute of the African Court of Justice and Human Rights, 2008). The aim of the 2008 Protocol is to create, together with the not-yet-established Court of Justice of the African Union, a combined African Court of Justice and Human Rights. This court will thus have two chambers – one for general legal matters and one for rulings on the human rights treaties (Article 2 of the Protocol on the Statute of the African Court of Justice and Human Rights, 2008). However, Namibia has not yet agreed to the Protocol on the Statute of the African Court of Justice and Human Rights, 2008 (source: AU).

**Amendments and protocols:** The Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights, 2014, has not yet been agreed to by Namibia and is not yet in force internationally (source: AU).


**Binding on Namibia:** 25 November 2005
- signature: 9 December 2003 (source: AU)
- approval by National Assembly: 8 July 2004 (source: Hansard)
- ratification: 26 August 2004 (source: AU)
- entry into force internationally: 25 November 2005 (source: AU)

**Notes:** Namibia has entered the following reservation to the Protocol
Namibia will not be bound by Article 6(d) of the Protocol to the African Charter for Human and Peoples’ Rights on the Rights of Women in Africa until it has enacted legislation regarding the recording and registration of customary marriages. (source: Ministry of Foreign Affairs).

**African Charter on Statistics, 2009**

**Summary:** The Charter aims to serve as an advocacy tool of statistics development, strengthen the coordination of statistical activities across the continent, promote adherence to international standards and professionalism in statistics, and ensure the production of quality data.

**Binding on Namibia:** 23 January 2017 (Article 15(2) of the Charter)
- approval by National Assembly: 27 April 2016 (source: Minutes of the National Assembly, 2016)
- accession: 23 January 2017 (source: AU)
- entry into force internationally: 8 February 2015 (source: AU)

**Depository:** Chairperson of the African Union Commission

**Notes:** The AU Secretariat distinguishes between the “date of ratification/accession” and the “date deposited”. While the “date of ratification/accession” indicates the date on which Namibia issued its instrument of ratification/accession, the “date deposited” indicates the date on which said instrument of ratification/accession was received by the AU Secretariat. Since only the latter makes the treaty binding on Namibia as a matter of international law, the date of accession indicated above is the date the instrument was deposited.

**African Charter on the Rights and Welfare of the Child (ACRWC or Children’s Charter), 1990**

**Summary:** Like the United Nations Convention on the Rights of the Child, the Children’s Charter is a comprehensive instrument that sets out rights and defines universal principles and norms for the status of children. The Charter covers the whole spectrum of civil, political, economic, social and cultural rights. It calls for the creation of an African Committee of Experts on the Rights and Welfare of the Child (Committee of Experts) to promote and protect the rights established by the Charter.

**Binding on Namibia:** 26 August 2004 (see Notes)
- signature: 13 July 1999 (source: AU)
- approval by National Assembly: 23 July 2004 (source: Hansard)
- ratification: 26 August 2004 (source: AU)
- entry into force internationally: 29 November 1999 (source: AU)

**Depository:** AU Secretary-General

**Notes:** The AU Secretariat distinguishes between the “date of ratification/accession” and the “date deposited”. While the “date of ratification/accession” indicates the date on which Namibia has issued its instrument of ratification/accession, the “date deposited” indicates the date on which said instrument of ratification/accession was received by the AU Secretariat. Since only the latter makes the treaty binding on
Namibia as a matter of international law, the date of ratification indicated above is the 
date the instrument was deposited.

The Charter does not contain a provision on entry into force in case of a ratification 
later than entry into force internationally but merely provides in Article 47(3) that 
“[t]he present Charter shall come into force 30 days after the reception by the 
Secretary-General of the Organization of African Unity of the instruments of 
ratification or adherence of 15 Member States of the Organization of African Unity”.
In the absence of an express provision, customary international law provides that the 
Charter became binding on Namibia on 26 August 2004, the date it deposited the 
instrument of ratification.

This Convention is appended to the Child Care and Protection Act 3 of 2015.

*African Charter on the Values and Principles of Decentralisation, 
Local Government and Local Development, 2014

**Summary:** The Charter aims to promote the values and principles of decentralisation, 
local governance and local development across the continent as a means of improving 
the livelihood of all people on the continent.

**Binding on Namibia:** not yet binding
- approval by National Assembly: 15 March 2016 (source: Minutes of the National 
  Assembly, 2016)
- accession: 15 December 2016 (source: AU)
- entry into force internationally: not yet in force (source: AU)

**Depositary:** Chairperson of the African Union Commission

**Notes:** The AU Secretariat distinguishes between the “date of ratification/accession” 
and the “date deposited”. While the “date of ratification/accession” indicates the date 
on which Namibia issued its instrument of ratification/accession, the “date deposited” 
indicates the date on which said instrument of ratification/accession was received by 
the AU Secretariat. Since only the latter makes the treaty binding on Namibia as a 
matter of international law, the date of accession indicated above is the date the 
instrument was deposited.

**African Charter on Values and Principles of Public Service and 
Administration, 2011

**Summary:** The Charter sets out to strengthen professionalism and ethics in public 
service in Africa. It contains provisions on the duties of the public service and 
administration, code of conduct for public service agents, rights of public service 
agents, management and development of human resources and mechanisms for 
application.

**Binding on Namibia:** 23 July 2016
- signature: 14 May 2011 (source: AU)
- ratification: 25 January 2013 (source: AU)
- entry into force internationally: 23 July 2016 (source: AU)
**African Convention on the Conservation of Nature and Natural Resources (Revised Version), 2003**
Summary: The Convention commits the states parties to protecting the environment and to the sustainable use of natural resources and a collective approach to biodiversity conservation in Africa.

**Binding on Namibia:** not yet binding
- signature: 9 December 2003 (source: AU)
- entry into force internationally: 23 July 2016 (source: AU)

**Depositary:** AU Secretary-General

**Notes:** Namibia was not a signatory or party to the African Convention on the Conservation of Nature and Natural Resources of 1968 which was superseded by this Convention (source: AU).

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**African Maritime Transport Charter, 1993**

**Summary:** The Charter aims at promoting foreign trade and economic development in Africa through maritime transport.

**Binding on Namibia:** provisionally from 8 January 2004 (see Notes)
- signature: 13 July 1999 (source: AU)
- ratification/accession: not as of 15 June 2017 (source: AU)
- entry into force internationally: provisionally from 8 January 2004 (source: AU; Article 28(1) of the Charter)

**Depositary:** AU Secretary-General

**Notes:** Pursuant to Article 25 of the Vienna Convention on the Law of Treaties, entitled “Provisional Application”, a treaty or part of a treaty is applied provisionally pending its entry into force, if the treaty itself so provides, or the negotiating states have in some other manner so agreed. Article 28(1) of the Charter states: “This Charter shall provisionally enter into force Thirty (30) days after being signed by at least Twenty (20) Member States of the Organization of African Unity”. Article 28(2) states: “It shall finally enter into force Thirty (30) days after the Secretary General of the Organization of African Unity has received the instruments of ratification, acceptance or approval of Two-thirds of Member States of the Organization of African Unity”. As of 15 June 2017, the Charter had 40 signatures but only 13 ratifications. The Charter will be abrogated and superseded by the Revised African Maritime Transport Charter, 2010 upon its entry into force (Article 54 of the Revised Charter).

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**Summary:** The Treaty establishes a Nuclear-Weapon-Free-Zone in Africa. The Treaty prohibits the research, development, manufacture, stockpiling, acquisition, testing, possession, control or stationing of nuclear explosive devices in the territory of parties to the Treaty and the dumping of radioactive wastes in the African zone by Treaty parties. The Treaty also prohibits any attack against nuclear installations in the zone by Treaty parties and requires them to maintain the highest standards of physical protection of nuclear material, facilities and equipment, which are to be used exclusively for peaceful purposes. The Treaty requires all parties to apply full-scope
International Atomic Energy Agency safeguards to all their peaceful nuclear activities. A mechanism to verify compliance, including the establishment of the African Commission on Nuclear Energy in Pretoria, South Africa, has been established by the Treaty. According to Article 2 of the Treaty, the Treaty and its Protocols apply to the territory within the African nuclear-weapon-free-zone. The African nuclear-weapon-free zone is defined in Article 1 of the Treaty as “the territory of the continent of Africa, islands States members of OAU and all islands considered by the Organization of African Unity in its resolutions to be part of Africa”.

**Binding on Namibia:** 1 March 2012 (Article 18(3) of the Treaty)
- signature: 11 April 1996 (source: AU)
- ratification: 1 March 2012 (source: AU)
- entry into force internationally: 15 July 2009 (source: AU)

**Depositary:** AU Secretary-General

**Notes:** The AU Secretariat distinguishes between the “date of ratification/accession” and the “date deposited”. While the “date of ratification/accession” indicates the date on which Namibia has issued its instrument of ratification/accession, the “date deposited” indicates the date on which said instrument of ratification/accession was received by the AU Secretariat. Since only the latter makes the treaty binding on Namibia as a matter of international law, the date of ratification indicated above is the date the instrument was deposited.

The Treaty has three protocols which provide that the United States, France, the United Kingdom, Russia, the People’s Republic of China and states with dependent territories in the zone (France and Spain) refrain from using, threatening to use, testing or assisting to test nuclear explosive devices anywhere within the African zone.

**African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA), 1990**

**Summary:** The Agreement regulates the implementation of the AFRA activities in the region, and defines the interfacing between the AFRA member states and its partners, including the IAEA. The scope of AFRA activities includes the peaceful application of all technically and developmentally sound nuclear techniques, which can contribute towards the achievement of national and regional development objectives.

**Binding on Namibia:** 4 April 2010 (see Notes)
- acceptance: 18 February 2010 (source: IAEA)
- entry into force internationally: 4 April 1990 (source: IAEA)

**Depositary:** IAEA Director-General

**Notes:** This is a limited duration treaty (5-years), the extension of which requires the acceptance of the states parties. Pursuant to Article XIV.2 of the original Agreement,
the fourth extension entered into force on 4 April 2010, upon expiration of the third extension (source: IAEA).

**African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009**

**Summary:** The Convention provides a shared framework in addressing internal displacement caused by armed conflict, natural disasters and large-scale development projects in Africa.

**Binding on Namibia:** not yet binding
- signature: 23 October 2009 (source: AU)
- entry into force internationally: 6 December 2012 (source: AU)

**Depositary:** AU Secretary-General

**African Union Convention on Preventing and Combating Corruption, 2003**

**Summary:** The Convention addresses political corruption on the African continent. It represents regional consensus on what African states should do in the areas of prevention, criminalization, international cooperation and asset recovery. The Convention covers a wide range of offences including bribery (domestic or foreign), diversion of property by public officials, trading in influence, illicit enrichment, money laundering and concealment of property and primarily consists of mandatory provisions.

**Binding on Namibia:** 5 August 2006
- signature: 9 December 2003 (source: AU)
- approval by National Assembly: 28 April 2004 (source: Hansard)
- ratification: 26 August 2004 (source: AU)
- entry into force internationally: 5 August 2006 (source: AU)

**Depositary:** AU Secretary-General

**Notes:** The AU Secretariat distinguishes between the “date of ratification/accession” and the “date deposited”. While the “date of ratification/accession” indicates the date on which Namibia has issued its instrument of ratification/accession, the “date deposited” indicates the date on which said instrument of ratification/accession was received by the AU Secretariat. Since only the latter makes the treaty binding on Namibia as a matter of international law, the date of ratification indicated above is the date the instrument was deposited.

**African Union Non-Aggression and Common Defence Pact, 2005**

**Summary:** This Pact provides a framework to promote cooperation among states parties in the areas of non-aggression and common defence, to promote peaceful co-existence in Africa, to prevent conflicts of inter-state or intra-state nature and to ensure that disputes are resolved by peaceful means.

**Binding on Namibia:** not yet binding
African Youth Charter, 2006

Summary: The Charter provides a strategic framework for African states, giving direction for youth empowerment and development at continental, regional and national levels. It refers to the rights, freedoms and obligations of youth in Africa.

Binding on Namibia: 8 August 2009
- signature: 16 May 2008 (source: AU)
- approval by National Assembly: 13 March 2008 (source: Hansard)
- ratification: 23 July 2008 (source: AU)
- entry into force internationally: 8 August 2009 (source: AU)

Depositary: AU Secretary-General

Notes: The AU Secretariat distinguishes between the “date of ratification/accession” and the “date deposited”. While the “date of ratification/accession” indicates the date on which Namibia has issued its instrument of ratification/accession, the “date deposited” indicates the date on which said instrument of ratification/accession was received by the AU Secretariat. Since only the latter makes the treaty binding on Namibia as a matter of international law, the date of ratification indicated above is the date the instrument was deposited.

**Agreement among the Governments of the Democratic Republic of Congo, the Republic of Namibia and the Republic of Zambia on the Establishment of the Walvis Bay-Ndola-Lubumbashi Development Corridor (WBNLDC), 2010

Summary: The Agreement signed between these three governments establishing the WBNLDC is aimed at facilitating trade along the corridor, movement of persons and goods, regional and international transport; stimulating economic and social development in the territories of the contracting parties, transforming the corridor into a development corridor; and offering safe, fast and competitive transport and transit services that secure regional trade.

Binding on Namibia: not yet binding
- signature: 5 March 2010 (source: Agreement; see Notes)
- approval by National Assembly: process not completed; lapsed on 14 July 2011 (source: Minutes of the Hansards, 2011)
- entry into force internationally: not yet in force (source: Walvis Bay-Ndola-Lubumbashi Development Corridor Management Committee)

Depositary: SADC Executive-Secretary

Notes: The SADC Secretariat, as the depositary, does not appear to make information publicly available on ratification by Namibia or the entry into force internationally and failed to provide it on request. Article 51 (Entry into Force) of the Agreement provides that “[i]his Agreement shall enter into force on the thirty first day after three
of the Governments of the Democratic Republic of Congo, The Republic of Namibia and
The Republic of Zambia have fulfilled the requirements of Article 50 of this
agreement”. Article 50 (Expressions of Consent) of the Agreements specifies that
“[t]he Governments of the Democratic Republic of Congo, The Republic of Namibia
and The Republic of Zambia shall become contracting parties to this Agreement in
accordance with their constitutional requirements for signature and ratification”.

According to the Walvis Bay-Ndola-Lubumbashi Development Corridor
Management Committee, so far only the Government of the Democratic Republic of
Congo has deposited its instrument of ratification with the depositary.

The Ministry of Works and Transport, responding to our query about this agreement,
indicated in a letter dated 5 September 2017 that “the Ministry is in the process of
ratifying the agreement” (letter on file with the authors).

Agreement between the Governments of the Republic of Angola, the
Republic of Botswana, and the Republic of Namibia on the
establishment of a permanent Okavango river basin water
commission (OKACOM), 1994

Summary: The Agreement establishes the OKACOM between the Republic of
Angola, the Republic of Botswana and the Republic of Namibia.

Binding on Namibia: 15 September 1994 (see Notes)
• signature: 15 September 1994 (source: the Agreement)
• entry into force internationally: 15 September 1994 (see Notes)

Depositary: The Agreement does not indicate a depositary.

Notes: According to Article 7.1 of the Agreement, it comes into force upon its
signature, without further ratification.

Agreement between the Governments of the Republic of Angola, the
Republic of Botswana and the Republic of Namibia on the
Organizational Structure of OKACOM, 2007

Summary: The Agreement provides for the organizational structure of the
OKACOM.

Binding on Namibia: 19 April 2007 (see Notes)
• signature: 19 April 2007 (source: the Agreement)
• entry into force internationally: 19 April 2007 (see Notes)

Depositary: The Agreement does not indicate a depositary.

Notes: Unlike the 1994 Agreement (in Article 7.1), the 2007 Agreement does not
clarify when it comes into force. In such a case customary international law is
applicable which finds its expression in Article 12(1)(b) (Consent to be bound by a
treaty expressed by signature) of the Vienna Convention on the Law of Treaties:
“[t]he consent of a State or of an international organization to be bound by a treaty
is expressed by the signature of the representative of that State or of that organization
when: […] it is otherwise established that the negotiating States and negotiating organizations or, as the case may be, the negotiating organizations were agreed that signature should have that effect”. In favour of such agreement between the three contracting states speaks the short length of the 2007 Agreement and the close relationship to the 1994 Agreement establishing the OKACOM which came into force upon its signature. Therefore, it appears that the 2007 Agreement also enters into force upon its signature, without further ratification.

Agreement between the Governments of the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia and the Republic of South Africa on the Establishment of the Orange-Sengu River Commission (ORASECOM), 2000

Summary: The Agreement establishes the ORASECOM which is charged with promoting the equitable and sustainable development of the resources of the Orange-Senqu River. ORASECOM provides a forum for consultation and coordination between the riparian states to promote integrated water resources management and development within the basin.

Binding on Namibia: Yes (see Notes)
- signature: 3 November 2000 (source: the Agreement)
- approval by National Assembly: 19 June 2001 (source: Ministry of Foreign Affairs)
- acceptance: 2 August 2001 by way of letter of notification (source: Ministry of Foreign Affairs)
- entry into force internationally: Yes (source: ORASECOM)

Depository: The Agreement does not indicate a depositary.

Notes: Article 11(1) of the Agreement provides that “[t]his Agreement shall enter into force on the date on which all Parties have notified each other through the diplomatic channel of their compliance with the constitutional requirements necessary for the implementation thereof”. When Namibia issued such a notification and when the agreement entered into force internationally upon issuance of the last notification by a state party does not seem to be publicly available. However, the ORASECOM Agreement appears to have entered into force internationally and to be binding on Namibia due to the operational status of ORASECOM and Namibia’s involvement (source: ORASECOM).


Summary: The Agreement establishes the African Development Bank (AfDB), a multilateral development finance institution established to contribute to the economic development and social progress of African countries, to promote sustainable economic growth and to reduce poverty in Africa. The Agreement provides for the functions, structure, capital, operations and management of the Bank. The African Development Bank Group comprises three entities: the African Development Bank, the African Development Fund and the Nigeria Trust Fund. The AfDB’s mission is to fight poverty and improve living conditions on the continent through promoting the investment of public and private capital in projects and programs that are likely to contribute to the economic and social development of the region. The AfDB allows
for the membership of non-African countries. The agreement was amended by resolution 05-79, adopted by the Board of Governors on 17 May 1979, prior to Namibia’s accession.

**Binding on Namibia:** 10 April 1991 (Article 64(1)(b) of the Agreement)
- accession: 10 April 1991 (source: UNTC)
- entry into force internationally: 7 May 1982 (source: UNTC)

**Depositary:** UN Secretary-General.

**Amendments:** Namibia is bound by amendments to the Agreement in accordance with Article 60 of the Agreement. Such amendments, which have entered into force internationally, were made after Namibia’s accession in 1992, 1997, 1998 and 2001 (source: UNTC).

**Agreement Establishing the Nordic-Southern African Development Community Fund and the Nordic-Southern African Development Community Agency (NORSAD), 1990**

**Summary:** The Agreement establishes the NORSAD Fund and Agency which are charged with improving living conditions in Southern African countries by financing commercially viable private enterprises, directly to individual companies as well as indirectly through the financing of banks and other financial intermediaries active in the SME sector.

**Binding on Namibia:** 14 May 1992 (Article 7(b) of the Agreement)
- accession: 15 April 1992 (source: UNTC)
- entry into force internationally: 26 April 1991 (source: UNTC)

**Depositary:** Government of Denmark (Ministry of Foreign Affairs)

**Notes:** The depositary does not appear to make information publicly available, and failed to provide it upon request.

**Amendments and protocols:**

*Amendment to the Agreement establishing NORSAD and to the Statutes of the NORSAD Fund and Statutes of the NORSAD Agency, 1993*

**Binding on Namibia:** 5 July 1993
- signature: 26 January 1993 (source: UNTC)
- entry into force internationally: 5 July 1993 (source: UNTC).

**Agreement for a ceasefire in the Democratic Republic of the Congo (Lusaka Ceasefire Agreement), 1999**

**Summary:** The Lusaka Ceasefire Agreement attempted to end the Second Congo War through a ceasefire, release of prisoners of war, and the deployment of an international peacekeeping force under the auspices of the United Nations.

**Binding on Namibia:** 11 July 1999 (see Notes)
Agreement for the Establishment of the Africa Institute for the Environmentally Sound Management of Hazardous and Other Wastes, 2004

Summary: The Agreement establishes the Africa Institute for the Environmentally Sound Management of Hazardous and Other Wastes to serve member states in their implementation of the Basel and Bamako Conventions, and related multilateral agreements.

Binding on Namibia: Yes (source: Africa Institute)
- signature: Yes (source: Africa Institute)
- approval by National Assembly: 25 October 2006 (source: Hansard)
- ratification: Yes (source: Africa Institute)
- entry into force internationally: 12 September 2007 (source: Africa Institute)

Depositary: Africa Institute Executive-Director

Notes: The Africa Institute, as the depositary, indicates that Namibia is a member state after its ratification. However, it does not provide any details on when Namibia signed and ratified the Agreement.

Agreement for the Establishment of the African Export-Import Bank (Afreximbank), 1993

Summary: The Agreement establishes the African Export-Import Bank under the auspices of the African Development Bank. It is charged with the financing and facilitation of trade among African countries and between African countries and the rest of the world. It extends financing to trade finance intermediaries, including central and commercial banks, and also provides direct credit to eligible African exporters in any appropriate forms.

Binding on Namibia: Yes (source: Afreximbank Executive-Secretary)

Depositary: African Development Bank Secretary-General (provisionally); Afreximbank Executive-Secretary (source: Article XIX of the Agreement)

Notes: The Afreximbank Secretariat, as the depositary, indicates that Namibia is a member state. However, it does not provide any details on when and how Namibia became a member state.
Summary: The Agreement establishes the African Rehabilitation Institute to promote and develop regional or sub-regional training and research programmes drawn up for rehabilitation and for disability prevention.

**Binding on Namibia:** 25 September 1996 (see Notes)
- accession: 25 September 1996 (source: AU)
- entry into force internationally: 2 December 1991 (source: AU)

**Depositary:** AU Secretary-General

**Notes:** The Agreement does not contain any provision on entry into force in case of an accession after the entry into force internationally but merely provides that “[a]ny Member State of the OAU, desirous of becoming a member of the Institute after the entry into force of this Agreement, may do so by depositing with the General Secretariat of the OAU its instrument of accession to this Agreement” (XVIII(5) of the Agreement). In the absence of an express provision, customary international law provides that the Agreement became binding on Namibia on 25 September 1996, the date it deposited the instrument of accession.

Agreement for the Establishment of the Intergovernmental Organization for Marketing Information and Cooperation Services for Fishery Products in Africa (INFOPÊCHE), 1991

**Summary:** The Agreement establishes the Intergovernmental Organization for Marketing Information and Cooperation Services for Fishery Products in Africa. It sets out the membership, governance and functions of the organization.

**Binding on Namibia:** 30 December 1996 (see Notes)
- accession: 30 December 1996 (source: FAO)
- entry into force internationally: 23 December 1993 (source: FAO)

**Depositary:** FAO Director-General

**Notes:** According to Article 14(4) of the Agreement “[t]his Agreement shall enter into force, with respect to all States that have ratified it or acceded thereto, on the date when instruments of ratification or accession have been deposited by the Governments of at least five States listed in Annex I”. Hence, the Agreement is considered to have entered into force for Namibia as from the date of deposit, that is, on 30 December 1996 (source: FAO).

Agreement for the Establishment of the Southern African Centre for Ivory Marketing (SACIM), 1991

**Summary:** The Agreement establishes the SACIM which is charged with establishing, monitoring and controlling a system for the marketing of ivory and other elephant products, as well as to manage their sale in the most optimum way.

**Binding on Namibia:** 20 June 1991 (see Notes)
- signature: 20 June 1991 (source: Ecolex)
- entry into force internationally: 20 June 1991 (see Notes)
Depositary: The Agreement does not indicate a depositary.

Notes: The name SACIM was changed to the Southern African Convention for Wildlife Management (SACWM) in 1996. According to Article XIII(1) of the Agreement, the Agreement enters into force upon signature.

Agreement on the Establishment of the Zambezi Watercourse Commission (ZAMCOM), 2004

Summary: The Agreement establishes the ZAMCOM among the member states of SADC whose territory contains the Zambezi river basin. It is charged with promoting the equitable and reasonable utilization of the water resources of the Zambezi Watercourse as well as the efficient management and sustainable development thereof.

Binding on Namibia: 26 June 2011
- signature: 13 July 2004 (source: SADC)
- ratification: 11 July 2005 (source: SADC)
- entry into force internationally: 26 June 2011 (source: SADC)

Depositary: SADC Executive-Secretary.

**Agreement to Establish the South Centre, 1994

Summary: The Agreement establishes the South Centre, an intergovernmental organization of developing countries which functions as an independent policy think tank, whilst also holding observer status at the United Nations and other development agencies. It aims to protect and promote the development interests of developing countries in the global south.

Binding on Namibia: not yet binding (see Notes)
- signature: 30 September 1994 (source: UNTC)
- entry into force internationally: 30 July 1995 (source: UNTC)

Depositary: UN Secretary-General

Notes: The National Assembly indicates ratification by Namibia on 24 October 2000. However, the UN Secretariat, as the depositary, does not list a ratification by Namibia. Therefore, it appears that the Agreement is not binding on Namibia due to lack of ratification.

Agricultural Agreement between the Southern African Customs Union (SACU) States and Iceland, 2006

Summary: The Agreement provides for tariff concessions to agricultural products originating in Iceland and SACU states, respectively. It forms part of the instruments establishing the free trade area between the EFTA States and SACU.

Binding on Namibia: 1 May 2008 (see Notes)
• signature: 14 July 2006 (source: Government of Iceland)
• ratification: 21 November 2007 (source: SACU)
• entry into force between parties: 1 May 2008 (see Notes)

**Depositary:** Government of Iceland

**Notes:** The SACU Secretariat indicates Namibia’s ratification as of 21 November 2007. However, the Government of Iceland, as the depositary, confirmed that Namibia deposited its instrument of ratification only on 23 November 2007.

Article 8(2) of the Agreement provides that “[t]his Agreement shall enter into force on the same date as the Free Trade Agreement”. The Free Trade Agreement between the European Free Trade Association (EFTA) and the Southern African Customs Union (SACU), 2006, entered into force internationally on 1 May 2008 (see treaty entry).

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**Agricultural Agreement between the Southern African Customs Union (SACU) States and Norway, 2006**

**Summary:** The Agreement provides for tariff concessions to agricultural products originating in Norway and SACU states, respectively. It forms part of the instruments establishing the free trade area between the EFTA States and SACU.

**Binding on Namibia:** 1 May 2008  
• signature: 14 July 2006 (source: Government of Norway)  
• ratification: 21 November 2007 (source: Government of Norway)  
• entry into force between parties: 1 May 2008 (see Notes)

**Depositary:** Government of Norway

**Notes:** Article 7(2) of the Agreement provides that “[t]his Agreement shall enter into force on the same date as the Free Trade Agreement”. The Free Trade Agreement between the European Free Trade Association (EFTA) and the Southern African Customs Union (SACU), 2006, entered into force internationally on 1 May 2008 (see treaty entry).

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**Agricultural Agreement between the Southern African Customs Union (SACU) States and Switzerland, 2006**

**Summary:** The Agreement provides for tariff concessions to agricultural products originating in Switzerland and SACU states, respectively. It forms part of the instruments establishing the free trade area between the EFTA States and SACU.

**Binding on Namibia:** 1 May 2008  
• signature: 14 July 2006 (source: Government of Switzerland)  
• ratification: 11 January 2008 (source: Government of Switzerland)  
• entry into force between parties: 1 May 2008 (Government of Switzerland; see Notes)

**Depositary:** Government of Switzerland

**Notes:** Article 8(2) of the Agreement provides that “[t]his Agreement shall enter into force on the same date as the Free Trade Agreement”. The Free Trade Agreement
between the European Free Trade Association (EFTA) and the Southern African Customs Union (SACU), 2006, entered into force internationally on 1 May 2008 (see treaty entry).

SACU indicates 21 November 2007 as Namibia’s date of ratification, while the depositary indicates 11 January 2008.

Benguela Current Convention, 2013

Summary: The Convention between the governments of Angola, Namibia and South Africa establishes the Benguela Current Commission and aims to promote a coordinated regional approach to the long-term conservation, protection, rehabilitation, enhancement and sustainable use of the Benguela Current Large Marine Ecosystem, to provide economic, environmental and social benefits.

Binding on Namibia: 10 December 2015
- signature: 18 March 2013 (source: Government of Namibia)
- ratification: 16 September 2013 (source: Government of Namibia)
- entry into force internationally: 10 December 2015 (source: Government of Namibia)

Depositary: Government of Namibia.

Charter Establishing the Centre for Coordination of Agricultural Research and Development (CCARDESA), 2010

Summary: The Charter establishes the Centre for Coordination of Agricultural Research and Development for Southern Africa which coordinates agricultural research and development in the SADC region. It outlines the specific objectives and functions of the centre as well as its relationship with the SADC Secretariat.

Binding on Namibia: 5 December 2010
- signature: 5 November 2010 (source: SADC)
- entry into force internationally: 5 December 2010 (source: SADC; see Notes)

Depositary: SADC Executive-Secretary

Notes: The Charter enters into force 30 days after signature by two-thirds of the member states’ ministers responsible for agriculture and food security (Article 23(1) of the Charter).

Charter of Fundamental Social Rights in SADC, 2003

Summary: The Charter facilitates harmonious labour relations within the region and promotes the formulation and harmonisation of legal, economic and social policies and programmes, which contribute to the creation of productive employment and opportunities, and generation of incomes in member states. It provides a framework for regional cooperation in the collection and dissemination of labour market information, and promotes the establishment and harmonisation of social security standards and health and safety standards at workplaces across the region.
**Charter of the Regional Tourism Organisation of Southern Africa (RETOSA), 1997**

**Summary:** The Charter establishes the Regional Tourism Organisation of Southern Africa (RETOSA), which encourages and assists the development of legal and ethical tourism throughout the Southern African Region taking due consideration of the overall development of the people, the region and its cultural and natural resources. It focuses on community and rural based tourism, international and regional transport, tourism training and accommodation classification as well as encourages the consistency in the quality and maintenance of tourism standards in the region.

**Binding on Namibia:** 8 September 1997
- signature: 8 September 1997 (source: SADC)
- entry into force internationally: 8 September 1997 (source: SADC; see Notes)

**Depositary:** RETOSA Secretary-General

**Notes:** The Charter enters into force upon signature by the parties, without ratification (Article 13(1) of the Charter), and remains in force for as long as there are at least seven member states (Article 13(2) of the Charter).

**Constitutive Act of the African Union, 2000**

**Summary:** Replacing the Charter of the Organization of African Unity, the Act sets out the codified framework under which the African Union is to conduct itself. When a state ratifies the Act, it formally becomes a member of the African Union.

**Binding on Namibia:** 26 May 2001
- signature: 27 October 2000 (source: AU)
- approval by National Assembly: 28 February 2001 (source: Hansard)
- ratification: 31 March 2001 (source: AU)
- entry into force internationally: 26 May 2001 (source: AU)

**Depositary:** AU Secretary-General


**Notes:** The AU Secretariat distinguishes between the “date of ratification/accession” and the “date deposited”. While the “date of ratification/accession” merely indicates the date on which Namibia has issued its instrument of ratification/accession, the “date deposited” indicates the date on which said instrument of ratification/accession
was received by the AU Secretariat. Since only the latter makes the treaty binding on Namibia as a matter of international law, the date of ratification indicated above is the date the instrument was deposited.

Amendments and protocols: Namibia has agreed to the protocols listed below. The African Union Commission on International Law (AUCIL) was established on the basis of Article 5(2) of the Constitutive Act of the African Union as an advisory organ of the Union during the Fifth Ordinary Session of the Executive Council held in July 2004 by virtue of Decision EX.CL/Dec.129 (V) on the establishment of the African Union Commission on International Law. The Assembly adopted the Statute of the African Union Commission on International Law during the 12th Ordinary Session of the Assembly in 2009 by virtue of Decision Assembly/AU/Dec.209 (XII), which entered into force upon its adoption on 4 February 2009 (Article 27 of the Statute). Namibia has not agreed to the Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament which was adopted in Malabo, Equatorial Guinea, on 27th June 2014.

Protocol relating to the Establishment of the Peace and Security Council of the African Union, 2002

**Binding on Namibia:** 26 December 2003
- signature: 9 July 2002 (source: AU)
- approval by National Assembly: 19 November 2003 (source: Hansard)
- ratification: 9 December 2003 (source: AU)
- entry into force internationally: 26 December 2003 (source: AU)

**Protocol on Amendments to the Constitutive Act of the African Union, 2003**

**Binding on Namibia:** not yet binding
- signature: 9 December 2003 (source: AU)
- entry into force internationally: not yet in force (source: AU)

**Protocol on the Court of Justice of the African Union, 2003**

**Binding on Namibia:** not yet binding
- signature: 9 December 2003 (source: AU)
- entry into force internationally: 11 February 2009 (source: AU)

Amendments: The Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights, 2014, has not yet been agreed to by Namibia and is not yet in force internationally (source: AU).

Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (Abidjan Convention), 1981, as amended

**Summary:** The Convention aims to protect the marine environment, coastal zones and related internal waters falling within the jurisdiction of the States of the West, Central and Southern African region.

**Binding on Namibia:** 15 April 2017 (source: Government of Ivory Coast; see Notes)
- approval by National Assembly: 9 July 2014 (source: Minutes of the Hansards, 2014)
- accession: 14 February 2017 (source: Government of Ivory Coast)
- entry into force internationally: 5 August 1984 (source: Abidjan Convention Secretariat)

**Depositary:** Government of Ivory Coast

**Notes:** The Abidjan Convention Secretariat does not list Namibia as a member state, although the depositary confirmed to the Ministry of International Relations and Cooperation in a notification of 21 March 2017 (on file with the Legal Assistance Centre) that an instrument of accession was received in respect of Namibia for both the Abidjan Convention and its 2012 Additional Protocol (as recorded below) on 14 February 2017 and that both the Convention and the Protocol will enter into force for Namibia 60 days after that date in accordance with Article 29 of the Convention. Article 29 of the Convention contains two un-numbered paragraphs, one pertaining to initial entry into force internationally (which for ease of reference will be referred to as Article 29(1)) and one pertaining to entry into force for states becoming a party subsequent to entry into force internationally (which will be referred to as Article 29(2)). The Convention entered into force for Namibia in accordance with Article 29(2) of the Convention.

There is no evidence that Namibia has accepted the Protocol Concerning Cooperation in Combating Pollution in Cases of Emergency in the Western and Central African Region, 1981 (which entered into force internationally on 5 August 1984) (source: Abidjan Convention Secretariat).

In 2000, the contracting parties adopted an amendment expanding the geographical scope of the Convention to include “States of the West, Central and Southern African region, from Mauritania to South Africa”. In 2008, the contracting parties adopted an amendment changing the title of the 1981 Convention and Protocol to “Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region and Protocol concerning Cooperation in Combating Pollution in Cases of Emergency”. These amendments entered into force in accordance with Article 19 of the Convention prior to Namibia’s accession to the Convention. Thus, Namibia acceded to the Convention as amended.

Note that the website of the Abidjan Convention Secretariat appears to conflate the Protocol Concerning Cooperation in Combating Pollution in Cases of Emergency in the Western and Central African Region, 1981, (discussed at
Additional Protocol to the Abidjan Convention concerning Cooperation in the Protection and Development of Marine and Coastal Environment from Land-based Sources and Activities in the Western, Central and Southern African Region, 2012

**Binding on Namibia:** 15 April 2017 (source: Government of Ivory Coast; see Notes)
- approval by National Assembly: 22 September 2016 (source: Minutes of the Hansards, No. 62-2016)
- accession: 14 February 2017 (source: Government of Ivory Coast)
- entry into force internationally: yes (see Notes)

**Notes:** Neither the Government of Ivory Coast, as the depositary, nor the Abidjan Convention Secretariat, as the administering secretariat, make any information available publicly on the entry into force internationally of the Additional Protocol.

However, as already mentioned above, the depositary confirmed in its notification of 21 March 2017 not only that an instrument of accession to the Additional Protocol was received in respect of Namibia on 14 February 2017 but also that “[i]n accordance with the provisions of Article 29 of the Abidjan Convention, this Convention and its Additional Protocol will enter into force with respect to Namibia on the sixtieth day from 14 February 2017, the date of receipt of the instruments of accession” (translated from the original French: “Conformément aux disposition de l’article 29 de la Convention d’Abidjan, celle-ci ainsi que son Protocole additionnel entreront en vigueur à l’égard de la Namibie le soixantième jour à compter du 14 février 2017, date de réception des instruments d’adhésion.”) (emphasis added).

According to Articles 28(2) and 29 of the Protocol, Articles 27, 28 and 29 of the Convention on ratification, acceptance, approval, and accession, and entry into force apply, mutatis mutandis, to the Protocol. As discussed above, Article 29 of the Convention distinguishes between the initial entry into force internationally and the entry into force for states becoming a party subsequent to entry into force internationally. Article 29(1) of the Convention provides that the “Convention and any of its protocols shall enter into force on the sixtieth day following the date of deposit of at least six instruments of ratification acceptance or approval of, or accession to, such Convention and protocol by the Parties referred to in article 26”, while Article 29(2) of the Convention provides that “[t]hereafter, this Convention and any protocol thereto shall enter into force with respect to any State referred to in article 26 on the sixtieth day following the date of deposit of the instruments of ratification, acceptance, approval or accession”. The states referred to in
Article 26 of the Convention are “any coastal or island State, from Mauritania to South Africa inclusive”.

Considering the wording of the depositary’s notification of 21 March 2017, namely that the Additional Protocol “will enter into force with respect to Namibia on the sixtieth day from 14 February 2017, the date of receipt of the instruments of accession”, without any mention of the process further required for entry into force internationally in Article 29(1) of the Convention, it appears more likely that the depositary referred to entry into force for Namibia in accordance with Article 29(2) of the Convention. This interpretation is also supported by the fact that the depositary in its notification does not distinguish between the Additional Protocol and the Convention, which incontrovertibly had entered into force internationally at the time, in relation to the way they will enter into force for Namibia. Thus, it appears that the depositary considered both the Convention and the Additional Protocol to have been in force internationally at the time it received Namibia’s instruments of accession. The entry is based on this interpretation, but further enquiries will be made.

**Convention of the African Energy Commission, 2001**

**Summary:** The Convention establishes the African Energy Commission which is charged with the responsibility to ensure, co-ordinate and harmonize the protection, preservation, development and the national exploitation, marketing and integration of the energy resources of the African continent.

**Binding on Namibia:** 30 May 2007 (Article 27(3) of the Convention)
- approval by National Assembly: 20 June 2006 (source: Hansard)
- accession: 30 May 2007 (source: AU)
- entry into force internationally: 13 December 2006 (source: AU)

**Depositary:** AU Secretary-General

**Notes:** The AU Secretariat distinguishes between the “date of ratification/accession” and the “date deposited”. While the “date of ratification/accession” merely indicates the date on which Namibia has issued its instrument of ratification/accession, the “date deposited” indicates the date on which said instrument of ratification/accession was received by the AU Secretariat. Since only the latter makes the treaty binding on Namibia as a matter of international law, the date of accession indicated above is the date the instrument was deposited.

**Convention of the Pan-African Postal Union (PAPU), 1980**

**Summary:** The Convention establishes the Pan-African Postal Union which is charged with the development of postal services in Africa.

**Binding on Namibia:** 4 April 2013 (Article 31 of the Convention)
- accession: 4 April 2013 (source: PAPU)
- entry into force internationally: 1 July 1980 (source: PAPU)

**Depositary:** PAPU Secretary-General
Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, 2016

Summary: The agreement is aimed at creating desirable conditions for trade and investment between the European Union and the SADC EPA States: Botswana, Lesotho, Mozambique, Namibia, South Africa, and Swaziland.

Binding on Namibia: provisionally from 10 October 2016 (see Notes)
- signature: 10 June 2016 (source: Council of the European Union)
- approval by National Assembly: 6 July 2016 (Minutes of the Hansards, 2016)
- ratification: 6 September 2016 (source: Council of the European Union)
- entry into force internationally: provisionally from 10 October 2016 between the European Union and Botswana, Lesotho, Namibia, South Africa and Swaziland (source: Council of the European Union; see Notes)

Depositary: Secretary-General of the Council of the European Union

Notes: Pursuant to Article 25 of the Vienna Convention on the Law of Treaties, entitled “Provisional Application”, a treaty or part of a treaty is applied provisionally pending its entry into force, if the treaty itself so provides, or the negotiating States have in some other manner so agreed. The European Union and Botswana, Lesotho, Namibia, South Africa and Swaziland (but not Mozambique) have completed the procedures necessary for the provisional application of this Agreement in accordance with Article 113(3) of the Agreement. Consequently, the Agreement applies provisionally as from 10 October 2016 between those States Parties. By virtue of Article 3(2) of Council Decision (EU) 2016/1623 on the signing and provisional application of the Agreement, Article 12(4) shall not be provisionally applied. Pursuant to Article 5 of Council Regulation (EU) 2016/1076, on 10 October 2016, Protocol 1 of the Agreement concerning the definition of the concept of “originating products” will supersede the provisions contained in Annex II of the Council Regulation (EU) 2016/1076 in respect of products originating in Botswana, Namibia and Swaziland.

This agreement is published in Proc. 2/2017 (GG 6237).

Free Trade Agreement between the European Free Trade Association (EFTA) and the Southern African Customs Union (SACU), 2006

Summary: The Agreement covers trade in goods between the EFTA member states (Iceland, Liechtenstein, Norway and Switzerland) and the SACU member states (Botswana, Lesotho, Namibia, South Africa and Swaziland). It also lays the foundation for a further engagement of the parties with regard to intellectual property, investment, trade in services and public procurement. A Joint Committee is established for the supervision and administration of the Agreement, and provisions are included providing for consultations and dispute settlement procedures.

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Binding on Namibia: 1 May 2008 (see Notes)
- signature: 14 July 2006 (source: Government of Norway)
- ratification: 21 November 2007 (source: Government of Norway)
- entry into force internationally: 1 May 2008 (source: Government of Norway; see Notes)

Depositary: Government of Norway

Notes: Article 43(4) of the Agreement provides that “[i]n case this Agreement does not enter into force on 1 July 2006 it shall enter into force on the first day of the second month following the date on which the last Party has deposited its instrument or notified provisional application”.

While the Government of Norway is indicated as the depositary, Article 44(3) of the Agreement provides that “[t]he SACU Secretariat shall co-ordinate the actions of the SACU States in fulfilment of the terms of Articles 40 to 43 [which includes the deposit of instruments of ratification]”. The SACU Secretariat indicates that Namibia was the last state to deposit its instrument of ratification on 21 November 2007. According to Article 43(4), the Agreement should have entered into force internationally on 1 January 2008.

However, upon request, the depositary points to common Article 8(2) of the Agricultural Agreements between the SACU States and Iceland and the SACU States and Switzerland and Article 7(2) of the Agricultural Agreement between the SACU States and Norway, which provide that “[t]his Agreement shall enter into force on the same date as the Free Trade Agreement”. According to the depositary, the last instrument of ratification for these bilateral agreements was deposited later than Namibia’s instrument of ratification of 21 November 2007 for the Free Trade Agreement. Thus, the Free Trade Agreement and the bilateral agreements all entered into force at the same time, on 1 May 2008, and not on 1 January 2008. (The communication from the depositary is on file with the authors.)

General Convention on the Privileges and Immunities of the Organisation of African Unity (OAU), 1965

Summary: The General Convention on the Privileges and Immunities of the Organisation of African Unity defines and specifies issues relating to the status of the Organisation of African Unity, its assets and its officials, in terms of the privileges that must be granted to them by its member states.

Binding on Namibia: 3 August 2017 (see Notes)
- signature: 4 November 2016 (source: AU)
- accession: 3 August 2017 (source: Ministry of International Relations and Cooperation; date of accession could not be confirmed with depositary)
- entry into force internationally: 25 October 1965 (source: AU)

Depositary: AU Secretary-General

Notes: The Ministry of International Relations and Cooperation indicates the deposit of an instrument of ratification on 3 August 2017. However, this has not been confirmed by the depositary as its latest publicly available status list is dated 15 June 2017. Further research will be undertaken.
Article X(1) states: “This Convention is submitted to every Member of the Organization of African Unity for accession.” Article X(2) provides:

The accession provided for in paragraph 1 of this Article shall be effected by the signature of the Heads of State and Government; this signature implies the immediate entering into force of the General Convention on the Privileges and Immunities of the Organization of African Unity.

Thus, the Convention appears to only allow for accession and not ratification. It also does not contain a provision on entry into force in case of an accession after the entry into force internationally referred to in Article X(2) of the Convention. In the absence of an express provision, customary international law provides that the Convention became binding on Namibia on 3 August 2017, the date it deposited the instrument of accession (unconfirmed by the depositary).


**Summary:** The Agreement establishes the African Regional Property Organization (ARIPO) (formerly the African Regional Industrial Property Organization), an intergovernmental organization for cooperation among African states in patent and other intellectual property matters. It has the capacity to hear applications for patents and registered trademarks in its member states who are parties to the Harare (patents) and Banjul (marks) Protocols. ARIPO also features a protocol on the protection of traditional knowledge, the Swakopmund Protocol.

**Binding on Namibia:** 14 October 2003 (source: ARIPO)
- accession: 14 October 2003 (source: ARIPO)
- entry into force internationally: 15 February 1978 (source: ARIPO)

**Depositary:** Government of Zambia (Lusaka Agreement); ARIPO Secretary-General (Protocols)

**Notes:** The Government of Zambia does not appear to make information publicly available, and failed to provide it upon request. The ARIPO Secretariat, while not the depositary to the Agreement, confirms that Namibia became bound by the Agreement on 14 October 2003. Article XVI of the Agreement provides:

After the coming into force of this Agreement, a State referred to in Article IV of this Agreement which is not already a member of the Organization may ratify the Agreement or accede thereto. […] With respect to such State, this Agreement shall enter into force at the date of deposit of such instrument of ratification or accession.

This Agreement is referred to in the **Industrial Property Act 1 of 2012**.

**Amendments and Protocols:** Article XIV(1) and (2) of the Agreement provide with regard to amendments that “[s]ubject to the approval of the Council of Ministers, this Agreement may be amended by a two-thirds vote of the members of the Administrative Council. Every amendment to this Agreement shall be notified to the States members of the Organization by the Director General of the Secretariat and no such amendment shall have effect until after the expiration of two months from the date of such notification”. It appears that Namibia became party to the Agreement as amended in 1996 which entered into force internationally on 1 January 2000 (source: AU). Subsequently, the amendment of 2004 entered into force internationally on 13 November 2004 which is also the date on which it became binding for Namibia (source: AU).

**Binding on Namibia:** 23 April 2004 (source: ARIPO)
- accession: 23 January 2004 (see Notes)
- entry into force internationally: 25 April 1984 (source: ARIPO)

**Notes:** The ARIPO Secretariat, as the depositary, confirms that Namibia became bound by the Protocol on 23 April 2004 by way of accession. Section 6(1)(d) of the Protocol provides that “[a]ny State which is not party to this Protocol upon its entry into force under Sub-section (1)(c) of this section shall become bound by this Protocol 3 months after the date on which such State deposits its instrument of ratification or accession”. Since the Protocol became binding on Namibia on 23 April 2004, Namibia appears to have deposited its instrument of accession on 23 January 2004.

This Protocol is cited in the **Industrial Property Act 1 of 2012**.


**Binding on Namibia:** 14 January 2004 (source: ARIPO)
- accession: 14 October 2003 (see Notes)
- entry into force internationally: 1 January 2000 (source: ARIPO)

**Notes:** The ARIPO Secretariat, as the depositary, confirms that Namibia became bound by the Protocol on 14 January 2004 by way of accession. Section 11(4) of the Protocol provides that “[a]ny State which is not party to this Protocol upon its entry into force shall become bound by this Protocol three months after the date on which such State deposits its instrument of ratification or accession”. Since the Protocol became binding on Namibia on 14 January 2004, it appears to have deposited its instrument of accession on 14 October 2003.

This Protocol is cited in the **Industrial Property Act 1 of 2012**.

Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore within the Framework of the African Regional Intellectual Property Organization, 2010

**Binding on Namibia:** 11 May 2015
- signature: 9 August 2010 (source: ARIPO)
- approval by National Assembly: 22 November 2011 (source: Hansard, Vol. 139, pp. 296-300)
- ratification: 11 February 2015 (source: ARIPO)
- entry into force internationally: 11 May 2015 (source: ARIPO)

**Depositary:** Government of Zimbabwe

**OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969**

Summary: The Convention is a regional instrument amongst the members of the African Union. The key feature of the Convention is that it expands the definition of a refugee beyond that stipulated in the 1951 Refugee Convention and its 1967 Protocol. The Convention’s definition of a refugee takes into account the various circumstances that lead to displacement of individuals and whole populations/communities, specific to Africa.

Binding on Namibia: not yet binding (see Notes)
- signature: 11 November 2009 (source: AU)
- entry into force internationally: 20 January 1974 (source: AU)

Depositary: AU Secretary-General (formerly Administrative Secretary-General of the Organization of African Unity)

Cases: S v Mushwena & Others, 2004 NR 276 (SC) (per O’Linn, AJA) refers to the OAU Convention governing the Specific Aspects of Refugee Problems in Africa, adopted by the Assembly of Heads of State and Governments of the OAU in Resolution No. 10 (no date cited in the judgment).

Notes: The Namibian Ministry of Foreign Affairs reports accession on 2 September 1994, but the African Union, as the depositary, indicates signature on 11 November 2009 and no accession. Information provided by the United High Commissioner for Refugees agrees with the view of the African Union (see, for example, UNHCR, New Issues in Refugee Research, Research Paper No. 226. Engaging with refugee protection? The Organization of African Unity and African Union since 1963, 2011, footnote 110). According to Article 10(1), the Convention stays open for signature even after its entry into force internationally.

**OAU Convention on the Prevention and Combating of Terrorism, 1999**

Summary: The Convention requires that states parties criminalize terrorist acts under their national laws as defined in the Convention. It defines areas of cooperation among states, establishes state jurisdiction over terrorist acts, and provides a legal framework for extradition as well as extra-territorial investigations and mutual legal assistance.

Binding on Namibia: 16 November 2012 (Article 20(2) of the Convention)
- signature: 14 July 1999 (source: AU)
- approval by National Assembly: 26 April 2012 (source: Hansard, Vol. 143, pp. 348-75)
- ratification: 17 October 2012 (source: AU)
- entry into force internationally: 6 December 2002 (source: AU)

Depositary: AU Secretary-General
Amendments and protocols: Namibia has not yet signed or ratified the Protocol to the OAU Convention on the Prevention and Combating of Terrorism, 2004, which is not yet in force internationally (source: AU).

**Preferential Trade Agreement Between the Common Market of the South (MERCOSUR) and the Southern African Customs Union (SACU), 2009**

**Summary:** The Agreement creates a legal and institutional framework for the trade relations between MERCOSUR and SACU states.

**Binding on Namibia:** 1 April 2016
- signature: 3 April 2009 (source: SACU)
- approval by National Assembly: 2 November 2011 (source: Hansard, Vol. 139, pp. 9-14)
- ratification: 9 March 2012 (source: SACU)
- entry into force internationally: 1 April 2016 (see Notes)

**Depositary:** Government of Paraguay for MERCOSUR and the SACU Executive-Secretary for SACU

**Notes:** According to Article 36 the Agreement “shall enter into force thirty (30) days after all Signatory Parties have formally notified, through diplomatic channels, the completion of their respective internal procedures to that effect”. This formal notification subsequent to signature is understood to be a ratification in effect.

**Revised African Maritime Transport Charter, 2010**

**Summary:** The Revised Charter aims at promoting foreign trade and economic development in Africa through maritime transport. When it enters into force, it will abrogate and supersede the African Maritime Transport Charter, 1993 (Article 54 of the Revised Charter).

**Binding on Namibia:** not yet binding
- signature: 8 March 2013 (source: AU)
- approval by National Assembly: 17 November 2016 (source: Minutes of the National Assembly, 2016)
- entry into force internationally: not yet in force (source: AU)

**Depositary:** AU Secretary-General.

**Revised Constitution of the African Civil Aviation Commission (AFCAC), 2009**

**Summary:** Upon its entry into force the 2009 Revised Constitution supersedes the African Civil Aviation Commission, 1969 (see Notes).

**Binding on Namibia:** provisionally from 11 May 2010 (see Notes)
- signature: 11 May 2010 (source: AU)
- entry into force internationally: provisionally from 11 May 2010 (source: AU; see Notes)
Notes: The Revised Constitution of the African Civil Aviation Commission, 2009, abrogates and supersedes, as of the date of its entry into force, the African Civil Aviation Commission Constitution, 1969 (Article 26 of the Revised Constitution) for its member states. Article 20 of the Revised Constitution clarifies that, as a transitional arrangement and without prejudice to Article 26, a member state of the 1969 AFCAC Constitution shall continue to maintain its membership of AFCAC until the Revised Constitution comes into force definitively. In addition, the 1969 AFCAC Constitution remains in force between states that have not signed or ratified the 2009 Revised AFCAC Constitution but the 1969 AFCAC Constitution.

The AU Secretariat distinguishes between the “date of ratification/accession” and the “date deposited”. While the “date of ratification/accession” merely indicates the date on which Namibia has issued its instrument of ratification/accession, the “date deposited” indicates the date on which said instrument of ratification/accession was received by the AU Secretariat. Since only the latter makes the treaty binding on Namibia as a matter of international law, the indicated date of ratification/accession is the date the instrument was deposited.

Pursuant to Article 25 of the Vienna Convention on the Law of Treaties, entitled “Provisional Application”, a treaty or part of a treaty is applied provisionally pending its entry into force, if the treaty itself so provides, or the negotiating States have in some other manner so agreed. In accordance with Article 19(4), the Constitution entered into force provisionally on 11 May 2010, upon signature by 15 states. It shall definitively enter into force upon ratification by 15 states.

SADC Mutual Defence Pact, 2003

Summary: In compliance with the provisions of the SADC Protocol on Politics, Defence and Security Co-operation, 2001 (in particular, Article 2(2)(h) of the Protocol), the Mutual Defence Pact was developed in 2003 to operationalize the mechanisms of the Organ on Politics, Defence and Security and for mutual cooperation in defence and security matters. The Pact focuses on issues of conflict resolution, military preparedness, collective self-defence and self-action, destabilizing factors and settlement of disputes.

Binding on Namibia: 17 August 2008
• signature: 26 August 2003 (source: SADC)
• approval by National Assembly: 19 November 2003 (source: Hansard)
• ratification: 11 October 2004 (source: SADC)
• entry into force internationally: 17 August 2008 (source: SADC)

Depositary: SADC Executive-Secretary.

SADC Protocol Against Corruption, 2001

Summary: The Protocol aims to promote and strengthen the development, within each member state, of mechanisms needed to prevent, detect, punish and eradicate corruption in the public and private sector. The Protocol further seeks to facilitate and regulate cooperation in matters of corruption amongst member states and foster
development and harmonization of policies and domestic legislation related to corruption. The Protocol defines “acts of corruption”, preventative measures, jurisdiction of member states as well as extradition. Institutional arrangements for the implementation of this Protocol have been outlined within the document.

**Binding on Namibia:** 23 July 2005 (Article 18(2) of the Protocol)
- signature: 14 August 2001 (source: SADC)
- approval by National Assembly: 27 April 2004 (source: Hansard)
- ratification: 23 June 2005 (source: SADC)
- entry into force internationally: 6 July 2005 (source: SADC)

**Depository:** SADC Executive-Secretary


**Amendments and protocols:**

*Agreement Amending the SADC Protocol on Corruption, 2016*

**Binding on Namibia:** not yet binding
- signature: 31 August 2016 (source: Agreement; see Notes)
- entry into force internationally: not yet in force (see Notes)

**Notes:** On 31 August 2016, Namibia signed the French language version of the Agreement together with 10 other member states. The Protocol against Corruption, 2001, indicates “three (3) original texts, in the English, French and Portuguese languages, all text being equally authentic”. The SADC Secretariat, as the depositary, does not appear to make information publicly available on the entry into force internationally of the Protocol and failed to provide this information on request. However, Article 21(1) of the Protocol provides that “[a]n amendment to this Protocol shall be adopted by a decision of three-quarters of Members of the Summit”. Article 4 of the Agreement Amending the SADC Protocol on Corruption, 2016, similarly provides that “[t]his Agreement shall enter into force on the date of its adoption of three quarters of the Member States that are Parties to the Protocol”.

At the time of the adoption of the Agreement Amending the SADC Protocol on Corruption, 2016, there were 15 states parties to the Protocol. The required three-quarters would be 12 (11.25) member states. The French version of the Agreement appears to have with 10 the most signatures (the English and Portuguese versions appear to have 9 signatures, with only Namibia not having signed these versions). Therefore, the Agreement Amending the SADC Protocol on Corruption, 2016 does not appear to have entered into force internationally nor to be binding on Namibia.

**SADC Protocol on Combating Illicit Drug Trafficking in the Southern African Region, 1996**

**Summary:** The Protocol aims to assist in reducing and eventually eliminating drug trafficking, money laundering and abuse of drugs through cooperation among
enforcement agencies. The Protocol covers international conventions to which
member states should accede to, guidelines for domestic legislation, cooperation
through mutual legal assistance and effective law enforcement. The Protocol also
encourages member states to establish drug demand reduction, institutional
programmes and effective measures between enforcement agencies to curb
corruption.

**Binding on Namibia:** 20 March 1999
- signature: 24 August 1996 (source: SADC)
- ratification: 18 August 1998 (source: SADC)
- entry into force internationally: 20 March 1999 (source: SADC)

**Depositary:** SADC Executive-Secretary.

**SADC Protocol on Culture, Information and Sport, 2001**

**Summary:** The Protocol aims to re-enforce the central role played by culture and
sport in the integration and co-operation of the member states of SADC. In the first
section, the general and specific areas of co-operation are covered by the relevant
Articles in the Protocol – these include training, capacity-building and research,
resource mobilisation, language policy formulation, preservation of cultural heritage
and arts and culture festivals amongst others. The second section of the Protocol deals
with information – availability, infrastructure, freedom of media and code of ethics.
The third section covers regional tournaments, talent development, centres of
excellence and national policies in the area of sport.

**Binding on Namibia:** 7 January 2006
- signature: 14 August 2001 (source: SADC)
- approval by National Assembly: 29 October 2002 (source: Hansard)
- ratification: 2 December 2002 (source: SADC)
- entry into force internationally: 7 January 2006 (source: SADC)

**Depositary:** SADC Executive-Secretary.

**SADC Protocol on Education and Training, 1997**

**Summary:** The Protocol aims to promote the development of harmonized and
eventually standardized policies regarding education and training. The Protocol
identifies the areas of cooperation as follows: basic education, intermediate education
and training, higher education and training, research and development, life-long
education and publishing and library resources. The Protocol further gives guidance
on institutional arrangements for implementation of the Protocol as well as resources
and scholarship fund assets.

**Binding on Namibia:** 31 July 2000
- signature: 8 September 1997 (source: SADC)
- ratification: 18 August 1998 (source: SADC)
- entry into force internationally: 31 July 2000 (source: SADC)

**Depositary:** SADC Executive-Secretary.
**SADC Protocol on Employment and Labour, 2014**

**Summary:** The Protocol provides a legal framework for the cooperation of SADC member states on matters concerning employment and labour. Among other things, it aims to ensure that fundamental rights regarding labour, employment and social protection are accorded to migrant workers and their families within the member states.

**Binding on Namibia:** not yet binding
- signature: 18 August 2014 (source: Protocol; see Notes)
- entry into force internationally: not yet in force (source: SADC; see Notes)

**Depositary:** SADC Executive-Secretary

**Notes:** The SADC Secretariat, as the depositary, does not appear to make any information publicly available on the ratification by member states, but merely publicizes the version of the Protocol signed on 18 August 2014 and indicates that the Protocol has not yet entered into force internationally. No information was provided on request.

**SADC Protocol on Energy, 1996**

**Summary:** The Protocol aims to promote the harmonious development of national energy policies and matters of common interest for the balanced and equitable development of energy throughout the SADC region. It outlines the institutional mechanisms and financial provisions in place for implementing the Protocol. It defines the processes of sharing of energy data and information and co-operating with non-SADC states and organisations.

**Binding on Namibia:** 17 April 1998
- signature: 24 August 1996 (source: SADC)
- ratification: 17 January 1998 (source: SADC)
- entry into force internationally: 17 April 1998 (source: SADC)

**Depositary:** SADC Executive-Secretary.

**SADC Protocol on Environmental Management for Sustainable Development, 2014**

**Summary:** The Protocol aims to harmonise existing regional instruments and promote cooperation among member states on environmental management relating to issues such as the marine, aquatic and terrestrial environment and the atmosphere, natural and cultural resources, and environmental management by nationals of state parties.

**Binding on Namibia:** not yet binding
- signature: 18 August 2014 (source: Protocol; see Notes)
- entry into force internationally: not yet in force (see Notes)

**Depositary:** SADC Executive-Secretary
Notes: The SADC Secretariat, as the depositary, does not appear to make information publicly available on ratification by Namibia or entry into force internationally, and failed to provide this information on request. Article 35 of the Protocol provides that “[t]his Protocol shall enter into force for those Member States which have deposited instruments of ratification thirty (30) days after the deposit of the instruments of ratification by two-thirds of the Member States”. Secondary sources indicate that there have been no ratifications so far (see for example, https://southernafrican.news/2016/09/16/how-signatures-hold-back-sadc-key-protocols-gather-dust/).

SADC Protocol on Extradition, 2002

Summary: The Protocol aims to reduce the crime levels by enabling member states to extradite to the other, any person within its jurisdiction who is wanted for prosecution or the imposition or enforcement of a sentence in the requesting member state. The Protocol outlines extraditable offences as well as procedures to be followed to allow for this process to begin.

Binding on Namibia: 1 February 2007 (see Notes)
- signature: 3 October 2002 (source: SADC)
- approval by National Assembly: 7 November 2006 (source: Hansard)
- ratification: 1 February 2007 (source: SADC)
- entry into force internationally: 1 September 2006 (source: SADC)

Depositary: SADC Executive-Secretary

Notes: The Protocol does not contain any provision on entry into force in case of a ratification later than entry into force internationally but merely provides that the Protocol enters into force thirty days after the deposit of instruments of ratification by two-thirds of the member states (see Article 25 of the Protocol). In the absence of an express provision, customary international law provides that the treaty became binding on Namibia on 1 February 2007, the date it deposited the instrument of ratification.

SADC Protocol on Finance and Investment, 2006

Summary: The Protocol aims to promote growth, investment and employment in the SADC region through increased cooperation, coordination and management of macroeconomic, monetary and fiscal policies and to establish and sustain macroeconomic stability as a precondition to sustainable economic growth and for the creation of a monetary union in the region.

Binding on Namibia: 16 April 2010
- signature: 18 August 2006 (source: SADC)
- ratification: 16 March 2010 (source: SADC)
- entry into force internationally: 16 April 2010 (source: SADC)

Depositary: SADC Executive-Secretary

Notes: The original SADC Protocol on Finance and Investment, 2006, attached 11 Annexes concerning, among others, cooperation in investment and tax-related
matters, macroeconomic convergence, harmonisation of legal and operational frameworks, cooperation and coordination in financial matters. Article 23(2) of the Protocol clarifies that an “Annex shall form an integral part of this Protocol”. Thus, these Annexes were part of the Protocol and became binding on the member states upon entry into force of the Protocol.

Since the original adoption of the Protocol in 2006, two more Annexes were added: one on anti-money laundering in 2011 (Annex 12) and one on cooperation on financial matters in 2016 (Annex 13). According to Article 23(3) of the Protocol “[t]he adoption of annexes under this Article shall be done in accordance with Article 26”. Article 26(3) of the Protocol provides that “[a]mendments to this Protocol shall be adopted by a decision of three quarters of all the State Parties and shall become effective thirty (30) days after such adoption”.

The SADC Secretariat, as the depositary, does not appear to make publically available the date when the Seychelles became a member state of the Protocol after its original adoption, and failed to provide this information on request. As a result, it is unclear whether the Protocol had 14 or 15 member states at the time Annex 12 was added. In any event, the SADC Secretariat only indicates eight signatures which is less than the required three-quarters regardless of whether there were 14 or 15 member states. Thus, it appears that Annex 12 has not yet entered into force internationally and is not binding on Namibia.

At the time Annex 13 was added in 2016, there were 15 member states to the Protocol, with the Seychelles having become a party after the Protocol’s original adoption. The required three-quarters would be 12 (11.25) member states. The SADC Secretariat does not appear to make any information publicly available on the coming into force of Annex 13, nor does it publish a signed copy of Annex 13. It also failed to provide this information on request. Thus, it is currently uncertain whether Annex 13 has entered into force internationally and is binding on Namibia.

Amendments and protocols:

*Agreement Amending Annex I (Co-operation on investment) of the Protocol on Finance and Investment, 2016

**Binding on Namibia:** not yet binding
- signature: 17 May 2017 (source: SADC)
- entry into force internationally: not yet in force (see Notes)

**Notes:** According to Article 26(3) of the Protocol on Finance and Investment, 2006, “[a]mendments to this Protocol shall be adopted by a decision of three quarters of all the State Parties and shall become effective thirty (30) days after such adoption”. Article 3 of the Agreement Amending Annex I provides that “[t]his Agreement shall enter into force on the date of its adoption by three-quarters of the Member States that are Parties to the Protocol”. Article 22(11) of (Protocols) of the Treaty of the Southern African Development Community (SADC), 1992, as amended in 2009, confirms that “[a]n amendment to any Protocol that has entered into force shall be adopted by a decision of three-quarters of the Member States that are parties to the Protocol.

Thus, the amendment enters into force upon signature of three-quarters of the member states to the Protocol on Finance and Investment, 2006, without further ratification. The fact that no ratification is required also becomes clear from Article 28, (Ratification) of the Protocol on Finance and Investment, 2006, which
expressly provides that “[t]his Protocol shall be subject to ratification by the signatory States in accordance with their constitutional procedures” (emphasis added). A similar provision can be found in Article 22(3) and (4) of the Treaty of the Southern African Development Community (SADC), 1992 as amended in 2009. An equivalent provision requiring ratification for amendments neither exists in the Protocol on Finance and Investment or the Agreement Amending Annex I of the Protocol on Finance and Investment nor in the Treaty of the Southern African Development Community (SADC), 1992, as amended in 2009. Finally, amendments to other SADC Protocols have – in the absence of an express provision on ratification – also entered into force upon signature of three-quarters of the member states (see other treaty entries). The fact that “adoption” is expressed through signature without further ratification also becomes clear from the French language version of the Agreement Amending Annex I of the Protocol on Finance and Investment which uses the word “signature” in Article 3. (According to both the Protocol and the Agreement Amending Annex I of the Protocol the three original texts in English, French and Portuguese are equally authentic.)

At the time of the adoption of the Agreement amending Annex I in 2016 there were 15 member states to the Protocol on Finance and Investment, 2006, with the Seychelles subsequently having become a party to the Protocol. The required three-quarters would be 12 (11.25) member states. The French version of the Agreement Amending Annex I appears to have the most signatures with ten signatories; the English and Portuguese versions appear to have eight signatures since Namibia and South Africa appear to have only signed the French version. Therefore, it would appear that the Agreement Amending Annex I of the Protocol on Finance and Investment has not yet entered into force internationally and is thus not binding on Namibia.

**SADC Protocol on Fisheries, 2001**

**Summary:** The Protocol aims to promote the role of fisheries in the social and economic well-being and livelihood of the people of the region, in ensuring food security and alleviating poverty. The Protocol emphasizes the responsibilities of member states, international relations as well as the effective management of shared resources. It provides for the harmonization of domestic legislation with particular reference to fisheries and the management of shared resources, to take adequate measure, and the optimization of law enforcement resources.

**Binding on Namibia:** 8 August 2003
- signature: 14 August 2001 (source: SADC)
- ratification: 21 June 2002 (source: SADC)
- entry into force internationally: 8 August 2003 (source: SADC)

**Depositary:** SADC Executive-Secretary.

**SADC Protocol on Forestry, 2002**

**Summary:** The SADC aims to promote the development, conservation, sustainable management and utilisation of all types of forest and trees; trade in forest products and achieve effective protection of the environment, and safeguard the interests of
both the present and future generations. It provides guidance on the undertaking of national forest assessments and national forest policies, programmes and laws.

**Binding on Namibia:** 17 July 2009
- signature: 17 August 2008 (source: SADC)
- approval by National Assembly: 2 April 2009 (source: Hansard)
- ratification: 29 April 2009 (source: SADC)
- entry into force internationally: 17 July 2009 (source: SADC)

**Depositary:** SADC Executive-Secretary.

**SADC Protocol on Gender and Development, 2008**

**Summary:** The Protocol aims to provide for the empowerment of women, to eliminate discrimination and achieve gender equality by encouraging and harmonizing the development and implementation of gender responsive legislation, policies and programmes and projects. It addressed issues such as constitutional and legal rights, governance, and education and training, productive resources and employment, gender based violence, HIV/AIDS and conflict resolution.

**Binding on Namibia:** 22 February 2013
- signature: 17 August 2008 (source: SADC)
- ratification: 20 October 2009 (source: SADC)
- entry into force internationally: 22 February 2013 (source: SADC)

**Depositary:** SADC Executive-Secretary

**Commentary:** Mulela Margaret Munalula, “SADC Protocol on Gender and Development: Road map to equality?”, 1 *SADC Law Journal* (2011) 189.

**Notes:** An *Agreement Amending the SADC Protocol on Gender and Development, 2016*, was approved by the 36th SADC Summit in August 2016. The SADC Secretariat, as the depositary, does not appear to make information publicly available on the entry into force internationally of the Agreement and failed to provide this information on request. However, Article 38(3) of the Protocol provides that amendments to the Protocol shall be adopted by a decision of three-quarters of the member states to the Protocol, without further ratification. Article 23 of the Agreement Amending the SADC Protocol on Gender and Development, 2016, similarly provides that “[t]his Agreement shall enter into force on the date of its adoption by a decision of three quarters of the Member States that are Parties to the Protocol”.

On 31 August 2016 during the 36th SADC Summit, eight member states signed the Agreement (not including Namibia). As of June 2017, secondary sources indicate that the Agreement has been signed by nine states with Botswana having signed subsequently (source: Southern African Research and Documentation Centre, [www.sardc.net/en/southern-african-news-features/sadc-gender-ministers-to-review-progress-on-regional-gender-development/](http://www.sardc.net/en/southern-african-news-features/sadc-gender-ministers-to-review-progress-on-regional-gender-development/)).

At the time of the adoption of the Agreement Amending the SADC Protocol on Gender and Development, 2016, there were 15 member states to the SADC Protocol on Gender and Development, 2008. The required three-quarters would be 12 (11.25) member states. Therefore, the Agreement Amending the SADC Protocol on
Corruption, 2016 does not appear to have entered into force internationally or to be binding on Namibia.

**SADC Protocol on Health, 1999**

**Summary:** The Protocol aims to coordinate regional efforts on epidemic preparedness, mapping prevention, control and where possible the eradication of communicable and non-communicable diseases. It also addresses issues such as education and training, efficient laboratory services and common strategies to address the health needs of women, children and vulnerable groups.

**Binding on Namibia:** 14 August 2004
- signature: 18 August 1999 (source: SADC)
- ratification: 10 July 2000 (source: SADC)
- entry into force internationally: 14 August 2004 (source: SADC)

**Depositary:** SADC Executive-Secretary.

**SADC Protocol on Immunities and Privileges, 1992**

**Summary:** The Protocol provides that SADC, its property and assets shall enjoy immunity from every form of legal process, search, and requisition or confiscation except in instances where such immunity has been expressly waived. Such immunity extends to SADC officials and their immediate families. All the communications of SADC are also considered non-violable. With respect to privileges, the Protocol grants tax exemption and non-restrictive financial controls to SADC, its institutions and officials. Member states representatives to SADC and to conferences convened by SADC as well as experts performing missions for SADC are accorded the same immunities and privileges.

**Binding on Namibia:** 30 September 1993
- signature: 17 August 1992 (source: SADC)
- ratification: 14 December 1992 (source: SADC)
- entry into force internationally: 30 September 1993 (source: SADC)

**Depositary:** SADC Executive-Secretary.

**SADC Protocol on Legal Affairs, 2000**

**Summary:** The Protocol establishes the Legal Affairs Unit within the SADC Secretariat and guides its work. The Legal Affairs Unit is charged with providing legal advice and legal related services to SADC and its institutions, interpret, draft and develop legal documents/instruments for implementing the Treaty and SADC Protocols, facilitate the notification of the status, ratification, accession and entry into force of SADC Protocols as well as provide litigation services.

**Binding on Namibia:** 1 September 2006
- signature: 7 August 2000 (source: SADC)
- ratification: 2 October 2001 (source: SADC)
- entry into force internationally: 1 September 2006 (source: SADC)
SADC Protocol on Mining, 1997

**Summary:** The Protocol aims to adopt internationally accepted regional standards within the mining sector. Through the Protocol member states agree to share information on exploitable mineral resources in the region, enhance the technological capacity of the sector as well as promote policies that will encourage and assist small scale farming. Environmental and occupational health and safety issues are highlighted.

**Binding on Namibia:** 10 February 2000
- signature: 8 September 1997 (source: SADC)
- ratification: 22 December 1998 (source: SADC)
- entry into force internationally: 10 February 2000 (source: SADC)

**Depositary:** SADC Executive-Secretary.

SADC Protocol on Mutual Legal Assistance in Criminal Matters, 2002

**Summary:** The Protocol provides rules with regard to assistance in criminal matters, including investigations, prosecutions and other proceedings. The protocol provides guidance on how such assistance will be given, the authorities responsible and grounds on which such assistance can be denied.

**Binding on Namibia:** 1 March 2007
- signature: 3 October 2002 (source: SADC)
- approval by National Assembly: 7 November 2006 (source: Hansard)
- ratification: 1 February 2007 (source: SADC)
- entry into force internationally: 1 March 2007 (source: SADC)

**Depositary:** SADC Executive-Secretary.


**Summary:** The Protocol provides the legal framework and objectives to the Organ on Politics, Defence and Security, an institutional framework for the coordination of policies and activities on politics, defence, and security. The Organ is charged with promoting peace and security across Southern Africa, protecting the region’s people from instability due to the breakdown of law and order, developing a common foreign policy throughout the region, and cooperating on matters related to security and defence.

**Binding on Namibia:** 2 March 2004
- signature: 14 August 2001 (source: SADC)
- approval by National Assembly: 1 October 2002 (source: Hansard)
- ratification: 2 December 2002 (source: SADC)
- entry into force internationally: 2 March 2004 (source: SADC)

**Depositary:** SADC Executive-Secretary
Notes: It appears that the Ministry of Foreign Affairs indicates 8 November 2002 as
the date of ratification, while the SADC Secretariat, as the depositary, indicates 2
December 2002 as the date of ratification. However, this is not of much importance
since the Protocol, in any event, became binding on Namibia only upon its entry into
force internationally on 2 March 2004.

Amendments and protocols:

Agreement amending the Protocol on Politics, 2009

Binding on Namibia: 8 September 2009 (see Notes)
- signature: 8 September 2009 (source: SADC)
- entry into force internationally: 8 September 2009 (source: SADC)

Notes: The amendment entered into force upon signature of three-quarters of
the states parties on 8 September 2009 without further ratification (Article
19(3) of the Protocol).

*SADC Protocol on Science, Technology and Innovation, 2008

Summary: The Protocol aims to foster cooperation and to promote development of
science and technology in the region. It provides for cooperation on institutional
mechanisms for science, technology, and innovation. The Protocol sets out these
institutions, as well as their committees and subcommittees, composition, functions,
systems of financing their initiatives, and methods of monitoring progress.

Binding on Namibia: not yet binding
- signature: 17 August 2008 (source: SADC)
- ratification: 8 December 2017 (source: SADC; information provided on request)
- entry into force internationally: not yet in force (source: SADC)

Depositary: SADC Executive-Secretary

SADC Protocol on Shared Watercourse Systems, 1995

Summary: The Protocol aims to foster closer cooperation among member states for
protection, management, and use of shared watercourses in the region. Member states
agree to cooperate on projects and exchange information on shared watercourses,
consulting with each other and collaborating on initiatives that balance development
of watercourses with conservation of the environment.

Binding on Namibia: 28 September 1998
- signature: 28 August 1995 (source: SADC)
- ratification: 5 June 1998 (source: SADC)
- entry into force internationally: 28 September 1998 (source: SADC)

Depositary: SADC Executive-Secretary

Notes: This Protocol has been repealed and replaced by the SADC Revised Protocol
on Shared Watercourses, 2000, for the SADC member states that are parties to the
Revised Protocol. The 1995 Protocol remains in force between Namibia and SADC states that are a party to it but not to the Revised Protocol.

SADC Protocol on the Control of Firearms, Ammunition and other Related Materials in the Southern African Development Community Region, 2001

Summary: The Protocol outlines the objectives, international initiatives, legislative measures, mutual legal assistance and law enforcement on control of firearms and ammunition within the SADC region. The Protocol addresses issues of operational capacity, making of fire-arms and record-keeping, transparency and information exchange, voluntary surrender of firearms, public education and awareness as well as institutional arrangements for effective implementation of these measures. The control over the possession of firearms by civilians, the state as well as their disposal is also covered by the Protocol.

Binding on Namibia: 8 November 2004
- signature: 14 August 2001 (source: SADC)
- approval by National Assembly: 3 July 2002 (source: Hansard)
- ratification: 8 October 2004 (source: SADC)
- entry into force internationally: 8 November 2004 (source: SADC)

Depositary: SADC Executive-Secretary.


Summary: The Protocol aims to foster the tourism industry in Southern Africa for greater economic development of the region. The Protocol sets out SADC’s objective to build upon the region’s potential as a tourist destination. The Protocol establishes systems for private sector involvement, facilitating travel to Southern Africa, training for industry workers, and marketing the region as a tourist destination. It also includes an institutional framework for implementing the Protocol, specifying committees, units, duties, and procedures relevant to improving tourism in the region.

Binding on Namibia: 26 November 2002
- signature: 14 September 1998 (source: SADC)
- ratification: 13 June 2000 (source: SADC)
- entry into force internationally: 26 November 2002 (source: SADC)

Depositary: SADC Executive-Secretary

Amendments and protocols:

Agreement amending the Protocol on the Development of Tourism, 2009

Binding on Namibia: 8 September 2009 (see Notes)
- signature: 8 September 2009 (source: SADC)
- entry into force internationally: 8 September 2009 (source: SADC)

Notes: According to Article 15(1) of the Protocol, amendments to the Protocol are adopted by a decision of three-quarters of all the members of the Summit, without further ratification.
**SADC Protocol on the Facilitation of Movement of Persons, 2005**

**Summary:** The Protocol aims to fulfil the objectives of the SADC Treaty, which require SADC to develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services and of the people of the region generally amongst member states. It also aims to facilitate entry, with lawful purpose, without visa into another member state for a maximum of 90 days, permanent and temporary residence in the territory of another state and establishing oneself and working in the territory of another state. The exact meanings of residence, permits and establishment are provided within the Protocol. The Protocol states the phases of implementation and touches on issues of harmonization of state laws and immigration practices.

**Binding on Namibia:** not yet binding
- signature: 18 August 2005 (source: SADC)
- entry into force internationally: not yet in force (source: SADC)

**Depositary:** SADC Executive-Secretary

**Notes:** The SADC Secretariat, as the depositary, does not appear to make information publicly available on ratification by Namibia and failed to provide it on request.

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**Summary:** The 1992 SADC Treaty established a Tribunal to ensure and adjudicate on legal aspects of SADC regulations. To clarify details of the Tribunal’s process and functions, SADC passed this Protocol. The Protocol formally establishes the organization, jurisdiction, and operating procedures of the SADC Tribunal. It specifies the Tribunal’s constitution and composition, its process for appointment and dismissal of members, and its policies on legal decisions, reviews, representation, interim measures, fees and legal aid, enforcement of decisions, and other aspects of international law in the region. Detailed Rules of Procedure appear in an appendix.

**Binding on Namibia:** 14 August 2001
- ratification: 2 October 2001 (source: SADC)
- entry into force internationally: 14 August 2001 (source: SADC)

**Depositary:** SADC Executive-Secretary


Notes: The SADC Tribunal was de facto suspended at the 2010 SADC Summit by deciding not to renew the terms of the serving judges and to appoint new judges. As a result, the Tribunal, despite not being formally abolished, could not hear any new cases or finalize pending cases. On 17 August 2012 in Maputo, Mozambique, the SADC Summit addressed the issue of the suspended SADC Tribunal. The SADC Summit resolved that a new Tribunal should be negotiated and that its mandate should be confined to interpretation of the SADC Treaty and Protocols relating to disputes between member states. At the 2014 SADC Summit, a new Protocol on the Tribunal was adopted which will replace the SADC Protocol on the Tribunal and the Rules of Procedure thereof, 2000, upon its entry into force internationally (source: SADC; see entry below).

Amendments and protocols:

SADC Agreement Amending the Protocol on the Tribunal, 2002

Binding on Namibia: 3 October 2002 (see Notes)
- signature: 3 October 2002 (source: SADC)
- entry into force internationally: 3 October 2002 (source: SADC)

Notes: According to Article 37(3) of the Protocol, amendments to the Protocol are adopted by a decision of three-quarters of all the members of the Summit, without further ratification.

SADC Agreement Amending the Protocol on the Tribunal, 2007

Binding on Namibia: 17 August 2007 (see Notes)
- signature: 17 August 2007 (source: SADC)
- entry into force internationally: 17 August 2007 (source: SADC)

Notes: According to Article 37(3) of the Protocol, amendments to the Protocol are adopted by a decision of three-quarters of all the members of the Summit, without further ratification.

SADC Agreement Amending Article 6 of the Protocol on Tribunal, 2008

Binding on Namibia: 17 August 2008 (see Notes)
- signature: 17 August 2008 (source: SADC)
- entry into force internationally: 17 August 2008 (source: SADC)
**SADC Protocol on the Tribunal, 2014**

**Summary:** The SADC Protocol on the Tribunal, 2014, will repeal the SADC Protocol on the Tribunal and the Rules of Procedure thereof, 2000, on the date it enters into force internationally (Article 48 of the SADC Protocol on the Tribunal, 2014). The Protocol provides for several institutional and practical changes as compared to its predecessor, including expressly limiting the “jurisdiction of the Tribunal to the interpretation of the SADC Treaty and Protocols relating to disputes between Member States” (Article 33 of the SADC Protocol on the Tribunal, 2014; emphasis added).

**Binding on Namibia:** not yet binding
- signature: 18 August 2014 (source: Protocol; see Notes)
- entry into force internationally: not yet in force (see Notes)

**Depositary:** SADC Executive-Secretary

**Notes:** The SADC Secretariat, as the depositary, does not appear to make information publicly available on ratification by Namibia or the entry into force internationally of the Protocol. It also failed to provide this information on request. Article 53 of the SADC Protocol on the Tribunal, 2014, provides that “[t]his Protocol shall enter into force thirty (30) days after the deposit of the Instruments of Ratification by two-thirds of the Member States”. Secondary sources indicate that there have been no ratifications so far. (See, for example, [www.tralac.org/publications/article/6900-the-new-protocol-for-the-sadc-tribunal-jurisdictional-changes-and-implications-for-sadc-community-law.html](http://www.tralac.org/publications/article/6900-the-new-protocol-for-the-sadc-tribunal-jurisdictional-changes-and-implications-for-sadc-community-law.html) or [www.ejiltalk.org/reactions-to-the-backlash-trying-to-revive-the-sadc-tribunal-through-litigation/](http://www.ejiltalk.org/reactions-to-the-backlash-trying-to-revive-the-sadc-tribunal-through-litigation/).)

**SADC Protocol on Trade, 1996**

**Summary:** The Protocol establishes a framework for trade cooperation in the SADC region. The Protocol intends to further liberalize intra-regional trade by creating mutually beneficial trade arrangements, thereby improving investment and productivity in the region. It advocates that member states eliminate barriers to trade, ease customs procedures, harmonize trade policies based on international standards, and prohibit unfair business practices. The Protocol also sets out institutional arrangements for implementation and contains annexes detailing policies on Rules of Origin, customs cooperation, harmonization of trade documentation, transit facilities, and trade development.

**Binding on Namibia:** 25 January 2000
- signature: 24 August 1996 (source: SADC)
- ratification: 22 December 1998 (source: SADC)
- entry into force internationally: 25 January 2000 (source: SADC)

**Depositary:** SADC Executive-Secretary

Notes: The original SADC Protocol on Trade, 1996, attached five Annexes concerning, among others, rules of origin, customs cooperation, and simplification and harmonisation of trade documentation and procedures. According to Article 1 of the Protocol (“Definitions”), ‘Annex’ “means a legal instrument of implementation of this Protocol, which forms an integral part thereto, and has the same legal force”. Correspondingly, Article 1 states that ‘Protocol’ “means this instrument of implementation of the Treaty and includes any Annex or amendment thereof which form an integral part thereof”. Thus, these Annexes were part of the Protocol and became binding on the member states upon entry into force of the Protocol.

Since the original adoption of the Protocol in 1996, five more Annexes were added addressing the settlement of disputes (Annex VI), the trade in sugar (Annex VII), sanitary and phytosanitary measures (Annex VIII), technical barriers to trade (Annex IX), and criteria for consideration of applications under Article 3(1)(c) (Annex X). Article 34(2) of the Protocol provides that “[i]n the case of a proposal to amend an existing annex or include a new annex to this Protocol, the CMT shall adopt the proposal by consensus”, while Article 34(3) specifies that “[a] proposal adopted by the CMT in accordance with paragraph 2 shall form an integral part of this Protocol”. According to Article 1 ‘CMT’ “means the Committee of Ministers responsible for trade matters”.

The SADC Secretariat, as the depositary, indicates that Annex IX was approved on 12 July 2008 and Annex VIII on 17 July 2014. While the document approving Annex VI does not appear to be publicly available, there is a strong argument that the Annex has been approved since an Agreement Amending Annex VI to the Protocol on Trade concerning settlement of disputes amongst member states, 2007, has already been adopted and entered into force on 17 August 2007 in accordance with Article 34(2) of the Protocol. In relation to Annexes VII and X, the SADC Secretariat does not appear to make information publicly available and failed to provide it on request. Thus, it is currently uncertain whether these Annexes have been approved and are binding on Namibia.

See Government Notice 116/2001 (GG 2548), which relates to the implementation of the Protocol.

Amendments and protocols: The 2000 and 2008 amendments are discussed below. An Agreement Amending Article 3(1)(c) of the Protocol on Trade, 2016, appears to have been approved at the 2016 SADC Summit. Article 34(1) of the 1996 Protocol on Trade provides that amendments to the Protocol shall be in accordance with the procedures established by Article 36 of the SADC Treaty. Article 36 of the SADC Treaty provides that amendments shall be adopted by a decision of three-quarters of all the members of the Summit, without the need for further ratification. According to the publicly-available Portuguese language version of the 2016 Agreement (both the 1996 Protocol and the 2016 Agreement confirm the text in the Portuguese language as authentic), seven member states have signed the Agreement (not including Namibia). Considering that there were 15 member states to the underlying Protocol at the time the 2016 Agreement was approved, it has not entered into force internationally and is not binding on Namibia.

Amendment Protocol on Trade, 2000

Binding on Namibia: 1 September 2000 (see Notes)
- signature: 7 August 2000 (source: SADC)
- entry into force internationally: 1 September 2000 (source: SADC)
Notes: The title of this instrument refers to both “amendment” and “protocol”. In addition, the Ministry of Foreign Affairs indicated ratification on 4 April 2001, which is usually only required in case of a protocol and not in case of an amendment. However, the preamble of the 2000 Amendment Protocol on Trade states that “[w]e, the Heads of State or Government of … HAVE AGREED, pursuant to Article 34 [title: Amendment] of the Protocol, upon the following amendments”. Consequently and despite mentioning the word “protocol” in its title, this instrument is an amendment of the 1996 Protocol on Trade.

According to Article 34(1) of the 1996 Protocol on Trade, amendments to the Protocol shall be in accordance with the procedures established by Article 36 of the SADC Treaty, which provides that amendments shall be adopted by a decision of three-quarters of all the members of the Summit, without the need for further ratification. This would indicate that the Amendment in 2000 became binding on Namibia upon signature on 7 August 2000 (together with the signature of three-quarters of all the members of the Summit). However, Article 10 of the 2000 Amendment Protocol on Trade expressly provides that it shall enter into force on 1 September 2000.

**Agreement Amending Article 20 of the Protocol on Trade, 2008**

**Binding on Namibia:** 17 August 2008 (see Notes)
- signature: 17 August 2008 (source: SADC)
- entry into force internationally: 17 August 2008 (source: SADC)

**Notes:** Article 34(1) of the 1996 Protocol on Trade provides that amendments to the Protocol shall be in accordance with the procedures established by Article 36 of the SADC Treaty. Article 36 of the SADC Treaty provides that amendments shall be adopted by a decision of three-quarters of all the members of the Summit, without the need for further ratification. Therefore, it appears that the Amendment in 2008 became binding on Namibia upon signature on 17 August 2008 (together with the signature of three-quarters of all the members of the Summit).

**SADC Protocol on Trade in Services, 2012**

**Summary:** The Protocol sets out general obligations for all state parties with regard to the treatment of services and service suppliers from other state parties. It does not contain liberalization obligations but provides for a mandate to progressively negotiate the removal of barriers to the free movement of services.

**Binding on Namibia:** not yet binding
- signature: 12 August 2012 (source: Protocol; see Notes)
- entry into force internationally: not yet in force (see Notes)

**Depositary:** SADC Executive-Secretary

**Notes:** On 12 August 2017, Namibia signed the French language version of the Protocol together with 13 other SADC member states. The Protocol indicates “three originals, in English, French and Portuguese, all texts being equally authentic”. The SADC Secretariat, as the depositary, does not appear to make information publicly available.
available on ratification by Namibia or on the entry into force internationally of the Protocol.

A 2014 news report quoted a Namibian government official as saying that Namibia would only consider committing to the Protocol after it had comprehensive information on the protocol together with its annexes and after it had concluded internal consultation with stakeholders in all the identified service sectors, which would include financial services, energy, construction, communication and tourism. (www.newera.com.na/2014/08/27/namibia-to-sign-sadc-protocol-on-trade-in-services-after-internal-consultation/).

**SADC Protocol on Transport, Communications and Meteorology, 1996**

**Summary:** The Protocol oversees all aspects of transport, communications, and meteorology throughout Southern Africa with the intention of establishing systems for these sectors that function efficiently and productively, thereby promoting economic and social development. Through the Protocol, member states agree to strategic goals and policies for an integrated network of transport, communications, and meteorology, with specific funding sources, regulatory mechanisms, environmental controls, and technical standards. The Protocol also outlines an institutional framework for its implementation, including a breakdown of committees and subcommittees, procedures, and duties, as well as systems for monitoring progress and addressing non-compliance with regulations.

**Binding on Namibia:** 6 July 1998
- signature: 24 August 1996 (source: SADC)
- ratification: 19 September 1997 (source: SADC)
- entry into force internationally: 6 July 1998 (source: SADC)

**Depositary:** SADC Executive-Secretary

**Notes:** See Proc. 24/1997 (GG 1723), in which the President states:
Under Article 32(8) of the Namibian Constitution I hereby announce that the SADC Protocol on Transport, Communications and Meteorology set out in the Schedule was signed by the Republic of Namibia in Maseru, Lesotho on 24 August 1996, and ratified by the National Assembly under Article 63(2)(e) of the Constitution on 30 July 1997.

This wording does not take into account the need to complete the ratification process by deposit of the instrument of ratification.

**SADC Protocol on Wildlife Conservation and Law Enforcement, 1999**

**Summary:** The Protocol establishes a common framework for conservation and sustainable use of wildlife in the SADC region. In signing the Protocol, member states agree to policy, administrative, and legal measures for promoting conservation and sustainable wildlife practices within their jurisdictions. Member states agree to collaborate with one another on common approaches for achieving the goals of international agreements on wildlife. The Protocol advocates for member states to harmonize legal instruments for wildlife, establish management programmes for wildlife, and create a regional database of wildlife status and management. It also
establishes institutional arrangements for the Protocol’s implementation, specifying committees and units, a schedule of meetings, and each division’s functions.

**Binding on Namibia: 30 November 2003**
- signature: 18 August 1999 (source: SADC)
- ratification: 14 January 2000 (source: SADC)
- entry into force internationally: 30 November 2003 (source: SADC)

**Depositary:** SADC Executive-Secretary.

### SADC Revised Protocol on Shared Watercourses, 2000

**Summary:** The Protocol aims to foster closer cooperation among member states for protection, management, and use of shared watercourses in the region. Member states agree to cooperate on projects and exchange information on shared watercourses, consulting with each other and collaborating on initiatives that balance development of watercourses with conservation of the environment. The Protocol also contains an institutional framework that sets out a Water Sector Organ, its committees and units, and its duties for joint protection and development of shared watercourses in Southern Africa.

**Binding on Namibia: 22 September 2003**
- signature: 7 August 2000 (source: SADC)
- ratification: 11 September 2001 (source: SADC)
- entry into force internationally: 22 September 2003 (source: SADC)

**Depositary:** SADC Executive-Secretary

**Notes:** Upon its entry into force, this Protocol repealed and replaced the SADC Protocol on Shared Watercourse Systems in the Southern African Region, 1995 (Article 16(1) of the Protocol on Shared Watercourses, 2000).

### South African Customs Union Agreement (SACU), 2002

**Summary:** The Agreement establishes the SACU, a customs union among the five countries of Southern Africa: Botswana, Lesotho, Namibia, South Africa and Swaziland. Its aim is to maintain the free exchange of goods between member states. It provides for a common external tariff and a common excise tariff to this common customs area. All customs and excise collected in the common customs area are paid into South Africa’s National Revenue Fund. The revenue is shared among members according to a revenue-sharing formula as described in the agreement.

**Binding on Namibia: 15 July 2004**
- signature: 21 October 2002 (source: SACU)
- ratification: 27 March 2004 (source: SACU)
- entry into force internationally: 15 July 2004 (source: SACU)

**Depositary:** SACU Executive-Secretary


Notes: The Agreement, upon its entry into force, terminated the Customs Union Agreement between the Governments of Botswana, Lesotho, South Africa and Swaziland concluded on 11 December 1969, and acceded to by Namibia (Article 51 of the Agreement).

Amendments and protocols: It should be noted that the procedure for amendments envisaged in the agreement does not require signature and ratification by a member state but rather a decision of the Council upon proposal of a member state. Article 43 (“Amendments of the Agreement”) provides that “[a]ny Member State desirous of amending this Agreement shall put forward its proposal for such amendment, together with its submissions in motivation of the proposed amendment, to the Council for consideration and decision. An amendment of this Agreement shall be adopted by a decision of the Council”. The agreement also does not entail a provision on the entry into force of amendments since Article 46 (‘Entry into force’) merely refers to the agreement but not amendments. However, as discussed below, some of the specific amendments include provisions about their own entry into force.

Article 42 of the Agreement on “Annexes” also gives the Council power to develop such annexes as may be necessary to facilitate the implementation of the SACU Agreement and states that such annexes shall form an integral part of the SACU Agreement.

Annex A is referred to in various SACU documents as an “amendment” and an “annex”. Article 1 of the Agreement (“Definitions”) defines the term “Agreement” as follows: “‘Agreement’ means this Agreement, establishing SACU, and includes Annex A and such annexes as referred to in Article 42.” Annex A is attached to the Agreement, titled Annex 1. Since Annex A is included in the definition of the Agreement in Article 1 and does not have its own “entry into force” clause, it appears that Annex A became an integral part of the underlying Agreement, and came into force in the same manner; if this understanding is correct, then Namibia and other members states presumably became parties to Annex A by ratifying the Agreement.

In contrast, Annexes B-E have identical “entry into force” clauses which state: “This Annex shall enter into force thirty (30) days after confirmation from each Member State that national processes have been complied with.” Namibia seems to be party to Annex E (as indicated below), but not to Annexes B-D. Note that the SACU status-list is silent on the question of whether Annexes B-D have entered into force internationally, as well as on the question of whether Namibia has ratified these Annexes or not.

Amendments to the SACU Agreement, 2002, to institutionalise the SACU Summit, 2013

**Binding on Namibia:** 16 September 2016
- signature: 12 April 2013 (source: SACU)
- ratification: 28 July 2015 (source: SACU)
- entry into force internationally: 16 September 2016 (source: SACU)
Notes: Article 9 of these Amendments includes a provision entitled “Entry into force” which states: “These Amendments shall enter into force thirty (30) days after the deposit of instruments of ratification by all the Member States.”

Annex E to the SACU Agreement on Mutual Administrative Assistance, 2011

Binding on Namibia: 8 March 2017
- signature: 16 November 2016 (source: SACU)
- approval by National Assembly: 16 November 2016 (source: Minutes of the Hansard, 2016)
- ratification: 6 February 2017 (source: SACU)
- entry into force internationally: 8 March 2017 (source: SACU)

Trade, Investment, and Development Cooperative Agreement between SACU and the United States of America (TIDCA), 2008

Summary: The Agreement establishes a forum for consultative discussions, cooperative work, and possible agreements on a wide range of trade issues, with a special focus on customs and trade facilitation, technical barriers to trade, sanitary and phytosanitary measures, and trade and investment promotion.

Binding on Namibia: 16 April 2008
- signature: 16 April 2008 (source: SACU)
- entry into force internationally: 16 April 2008 (see Notes)

Depositary: Government of the United States of America and SACU Executive-Secretary acting as joint depositaries

Notes: Article 6 provides that the Agreement enters into force upon signature without subsequent ratification. According to Article 5, the Agreement shall be without prejudice to the law of any party or to the rights and obligations of any party under any other agreement, convention or other instrument to which either is a party.

Treaty Establishing the African Economic Community (AEC), 1991

Summary: The Treaty establishes the AEC, an organization of African Union states establishing grounds for mutual economic development among the majority of African states. The stated goals of the organization include the creation of free trade areas, customs unions, a single market, a central bank, and a common currency thus establishing an economic and monetary union.

Binding on Namibia: 12 May 1994
- signature: 3 June 1991 (source: AU)
- ratification: 1 July 1992 (source: AU)
- entry into force internationally: 12 May 1994 (source: AU)

Depositary: AU Secretary-General

Commentary: Richard Frimpong Oppong, “The African Union, the African Economic Community and Africa’s Regional Economic Communities: Untangling a
Notes: Article 33(2) of the Constitutive Act of the African Union, 2000, provides that “[t]he provisions of this Act [Constitutive Act of the African Union, 2000] shall take precedence over and supersede any inconsistent or contrary provisions of the Treaty establishing the African Economic Community”.

The AU Secretariat distinguishes between the “date of ratification/accession” and the “date deposited”. While the “date of ratification/accession” indicates the date on which Namibia has issued its instrument of ratification/accession, the “date deposited” indicates the date on which said instrument of ratification/accession was received by the AU Secretariat. Since only the latter makes the treaty binding on Namibia as a matter of international law, the dates of ratification indicated here for the Treaty and its Protocol are the dates on which the instruments of ratification were deposited.

Amendments and protocols:


Binding on Namibia: 14 December 2003
- signature: 7 May 2001 (source: AU)
- approval by National Assembly: 9 July 2002 (source: Hansard)
- ratification: 20 September 2002 (source: AU)

Treaty of the Southern African Development Community (SADC), 1992

Summary: The Treaty establishes the Southern African Development Community (SADC) charged with promoting development and economic growth, alleviating poverty, enhancing the standard and quality of life of the peoples of Southern Africa and supporting the socially disadvantaged through regional integration. These objectives are to be achieved through increased regional integration, built on democratic principles, and equitable and sustainable development. It complements the role of the African Union. The Treaty also establishes the SADC Tribunal to ensure adherence to, and proper interpretation of the provisions of, the SADC Treaty and subsidiary instruments, and adjudicate upon disputes referred to it.

Binding on Namibia: 30 September 1993
- signature: 17 August 1992 (source: SADC)
- ratification: 14 December 1992 (source: SADC)
- entry into force internationally: 30 September 1993 (source: SADC)

Depositary: SADC Executive-Secretary


Notes: The Treaty replaces the Memorandum of Understanding on the Institutions of Southern African Development Coordination Conference (SADCC) of 1981 (Article 44 of the Treaty) to which Namibia had acceded upon its independence on 31 March 1990 (source: SADC).

The SADC Tribunal was de facto suspended at the 2010 SADC Summit. On 17 August 2012 in Maputo, Mozambique, the SADC Summit addressed the issue of the suspended SADC Tribunal. The SADC Summit resolved that a new Tribunal should be negotiated and that its mandate should be confined to interpretation of the SADC Treaty and Protocols relating to disputes between member states (source: SADC).

Amendments and protocols:

Agreement Amending the Treaty, 2001

Binding on Namibia: 14 August 2001
- signature: 14 August 2001 (source: SADC)
- entry into force internationally: 14 August 2001 (source: SADC)

Notes: Article 36 of the Treaty provides that ―[a]n amendment of this Treaty shall be adopted by a decision of three-quarters of all the Members of the Summit‖. This Amendment amends the preamble, the table of contents and provides for additional articles on the SADC Membership and the Troika, and amends Article 22 of the Treaty to provide that each protocol enters into force 30 days after the deposit of the instruments of ratification by two-thirds of the member states (the original text of the treaty provided only that each protocol shall be subject to signature and ratification by the parties).

Agreement Amending Article 22 of the Treaty, 2007

Binding on Namibia: 17 August 2007
- signature: 17 August 2007 (source: SADC)
- entry into force internationally: 17 August 2007 (source: SADC)

Notes: Article 36 of the Treaty provides that ―[a]n amendment of this Treaty shall be adopted by a decision of three-quarters of all the Members of the Summit‖. This Amendment provides conditions for amending Protocols.

Agreement Amending the Treaty, 2008

Binding on Namibia: 17 August 2008
- signature: 17 August 2008 (source: SADC)
- entry into force internationally: 17 August 2008 (source: SADC)

Notes: Article 36 of the Treaty provides that ―[a]n amendment of this Treaty shall be adopted by a decision of three-quarters of all the Members of the Summit‖. This Amendment provides for the establishment of Sectoral Ministerial Committees and SADC executive management roles.

Agreement Amending the Treaty, 2009 – DES

Binding on Namibia: 8 September 2009
Notes: Article 36 of the Treaty provides that “[a]n amendment of this Treaty shall be adopted by a decision of three-quarters of all the Members of the Summit”. This Amendment outlines the structure and appointment of the executive management of SADC Secretariat.

Agreement Amending the Treaty 2009 – ORGAN

Binding on Namibia: 8 September 2009

Notes: Article 36 of the Treaty provides that “[a]n amendment of this Treaty shall be adopted by a decision of three-quarters of all the Members of the Summit”. This Amendment describes the composition of the Ministerial Committee of the organ responsible for coordinating the work of the organ and its structures.

Treaty on the Establishment of the Kavango Zambezi Transfrontier Conservation Area (KAZA TFCA), 2011

Summary: The Treaty establishes the Kavango Zambezi Transfrontier Conservation Area between Angola, Botswana, Namibia, Zambia and Zimbabwe and aims to sustainably manage resources and encourage socio-economic development in the region.

Binding on Namibia: 30 January 2013 (see Notes)

- signature: 18 August 2011 (source: KAZA TFCA Secretariat)
- ratification: 7 December 2012 (source: KAZA TFCA Secretariat)
- entry into force internationally: 30 January 2013 (see Notes)

Depositary: KAZA TFCA Secretariat

Notes: According to the KAZA TFCA Secretariat as the depositary of the Treaty, the Republic of Zambia became the third country to ratify the Treaty when it deposited its instrument of ratification on 31 December 2012. Thus, the Treaty entered into force with respect to the countries which ratified it on 30 January 2013 in accordance with Article 28(1) of the Treaty which states: “This Treaty shall enter into force thirty (30) days after the deposition of the instruments of ratification by any three (3) Partner States”, and Article 28(2) of the Treaty which states: “The Treaty shall only bind the States whose instruments of ratification have been deposited.” Therefore, the Treaty became binding on Namibia as of 30 January 2013.

**Tripartite Free Trade Agreement (TFTA), 2015

Summary: The Agreement creates a customs union of the 51 states comprising the East African Community (EAC), Southern African Development Community
(SADC), and the Common Market for Eastern and Southern Africa (COMESA) blocs.

**Binding on Namibia**: not yet binding
- signature: 10 June 2015 (source: SADC)

**Depositary**: Tripartite Task Force

**Notes**: The Agreement comes into force on the 30th day after ratification by the 14th state (Article 39(3) of the Agreement).
TREATIES CONSIDERED BY PARLIAMENT
WITHOUT INTERNATIONAL ACTION

The treaties listed below were discussed in the National Assembly, which expressed an intention to start the international process of becoming party to them, but no action was taken at an international level. In other words, while they were approved domestically by the National Assembly, they have not been signed by Namibia as far as we can ascertain on the basis of information from the depositary. They are indicated with a hashmark (#). These agreements are not binding on Namibia in any way. They are listed here only because the Parliamentary discussion indicated some level of government interest. This list is not comprehensive.

#ILO Convention concerning Safety and Health in Agriculture (No. 184), 2001

**Summary:** The Convention requires member states to regulate for the protection of the health and safety of agricultural workers.

**Binding on Namibia:** no
- approval by National Assembly: 8 November 2001 (source: Hansard)
- entry into force internationally: 20 September 2003 (source: ILO)

**Depositary:** ILO Director-General

**Cases:** Namibia Development Corporation v Visagie NLLP, 1998 (1) 166 NLC (Article 13), overturned on appeal in Visagie v Namibia Development Corporation 1999 NR 219 (HC) (which makes no mention of the ILO Convention in question).

#International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (Hague-Visby Rules), 1924

**Summary:** The Convention provides a set of international rules for the international carriage of goods by sea, primarily imposing certain obligations upon the carrier.

**Binding on Namibia:** no
- approval by National Assembly: 6 November 2007 (source: Hansard)
- entry into force internationally: 2 June 1931 (source: Government of Belgium)

**Depositary:** Government of Belgium (Ministry of Foreign Affairs)

**Notes:** The Government of Belgium, as the depositary, does not indicate signature or deposit of an instrument of ratification or accession by Namibia. This is equally true for the 1968 and 1979 Protocols to Amend the International Convention for the Unification of Certain Rules of Law Relating to Bills of Lading of 1968 and of 1979. According to an official at the Ministry of International Relations and Cooperation, the process of accession was not completed due to administrative oversight.

#Multilateral Agreement between Governments of Angola, Comoros, Madagascar, Mozambique, Namibia, and South Africa on Coordination of Maritime Search and Rescue Services, 2007
Summary: The Agreement aims to facilitate search and rescue services between the member states. It also establishes a sub-regional maritime rescue coordination centre in Cape Town, South Africa.

Binding on Namibia: status unclear
• approval by National Assembly: 27 June 2007 (source: Hansard 2007, Vol. 102, pp. 6-9)

Depositary: unknown

Notes: Neither the agreement itself nor indications as to Namibia’s signature and ratification or accession could be located. However, the South African Maritime Safety Authority indicates that Namibia is a member state (source: SAMSA).

#Phyto-Sanitary Convention for Africa, 1967

Summary: The Convention is charged with preventing the introduction and spread of diseases, insect pests and other enemies of plants. It provides for control of the import of plants and for prohibition, quarantine, certification or inspection measures for any plant, plant materials, seeds or packing materials. Article 1(1) of this Convention states that it supersedes the Phyto-Sanitary Convention for Africa South of the Sahara, done at London on 29 July 1954.

Binding on Namibia: no
• approval by National Assembly: 20 October 2005 (source: Hansard, Vol. 84)

Depositary: AU Secretary-General

Notes: The AU Secretariat, as the depositary, does not list any signature, ratification or accession from Namibia.

The Convention, which is dated 13 September 1967, does not contain any provision relating to signature, ratification, accession and/or entry into force. The Convention instead contains an application clause. Article 1(2) provides:

“The present Convention shall apply to all Member States of the Organization of African Unity, herein after referred to as ‘Member States’”.

The Convention includes a list of the nations which were members of the OAU at the time when the agreement was concluded. Namibia became a member state of the OAU in June 1990.

The status list for the Convention provided by the AU says explicitly that this Convention does not require signature. However, the status list provided by the AU list dates of ratification/accession and deposit for some countries – including some which were members of the OAU at the time the agreement was signed, and some which were not members of the OAU at that stage. The status list records 12 ratifications and deposits as of 15 June 2016.

The AU does not list any ratification or accession from Namibia. Perhaps some other document regulating the powers and procedures of the Heads of African States and Government imposed a requirement for ratification and deposit. Further research will be undertaken on this issue.
OTHER TREATIES

The following agreements are not listed in the body of the Namlex Appendix because Namibia has neither taken any action at the international level to express its consent to become a party, nor has the National Assembly approved initiation of the international process of becoming a party to these agreements. They are listed here for purposes of background information because they have some present or past connection to Namibia. These treaties are indicated with a double hashmark (##). In some cases, as indicated in specific entries, the treaties may be part of Namibia’s domestic law despite the fact that Namibia is not a party to them in terms of international law. This list is not comprehensive.


**Summary:** The Hague Convention on the Civil Aspects of International Child Abduction is a convention of the Hague Conference on Private International Law (HCCH) and seeks to protect children from the harmful effects of abduction and retention across international boundaries by providing a procedure to bring about their prompt return.

**Binding on Namibia:** no

**Depositary:** Government of the Netherlands (Ministry of Foreign Affairs)

**Notes:** While Namibia has not taken any action at the international level to express its consent to become a party to the Convention which entered into force internationally on 1 December 1983 (source: HCCH), the text of the Convention is attached to the Child Care and Protection Act 3 of 2015 (GG 5744) (Schedule 6). However, section 253 of this Act states that the provisions of this Convention will have the force of law in Namibia only as from the date that it becomes binding on Namibia.


**Summary:** The Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children is a convention of the Hague Conference on Private International Law (HCCH) and covers civil measures of protection concerning children, ranging from orders concerning parental responsibility, contact to public measures of protection or care to matters of representation and the protection of children’s property.

**Binding on Namibia:** no

**Depositary:** Government of the Netherlands (Ministry of Foreign Affairs)

**Notes:** While Namibia has not taken any action at the international level to express its consent to become a party to the Convention which entered into force internationally on 1 January 2002 (source: HCCH), the text of the Convention is attached to the Child Care and Protection Act 3 of 2015 (GG 5744) (Schedule 7). However, section 253 of this Act states that the provisions of this Convention will have the force of law in Namibia only as from the date that it becomes binding on Namibia.

**Summary:** The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is a convention of the Hague Conference on Private International Law (HCCH) and addresses the enforcement of judicial decisions regarding child support (and other forms of family support) extraterritorially.

**Binding on Namibia:** no

**Depositary:** Government of the Netherlands (Ministry of Foreign Affairs)

**Notes:** While Namibia has not taken any action at the international level to express its consent to become a party to the Convention which entered into force internationally on 1 January 2013 (source: HCCH), the text of the Convention is attached to the Child Care and Protection Act 3 of 2015 (GG 5744) (Schedule 8). However, section 253 of this Act states that the provisions of this Convention will have the force of law in Namibia only as from the date that it becomes binding on Namibia.

## International Air Services Transit Agreement, 1944

**Summary:** The International Air Services Transit Agreement, also known as the “Two Freedoms Agreement”, grants scheduled flights of contracting states (1) the privilege of flying across the territory of another contracting state without landing and (2) the privilege to land for non-traffic purposes (fuel refilling, maintenance, emergency etc).

**Binding on Namibia:** not binding on Namibia as a matter of international law, but applicable via domestic law (see Notes)

**Depositary:** Government of the United States of America

**Notes:** Neither the Government of the United States of America as the depositary (www.state.gov/documents/organization/22698.rtf) nor the ICAO as the administering secretariat (www.icao.int/secretariat/legal/List%20of%20Parties/Transit_EN.pdf#search=1944%20International%20Air%20Services%20Transit%20Agreement) list Namibia as a party to this Agreement.

The Union of South Africa deposited an instrument of acceptance on 30 November 1945 in accordance with Article VI of the Agreement, which made the Agreement binding on South West Africa by virtue of South Africa’s mandatory power on behalf of South West Africa. However, the list of pre-independence treaties published by the UN Institute for Namibia as an Annex to Independent Namibia: Succession to Treaty Rights & Obligations (Lusaka, 1989) classifies the Transit Agreement as a category B treaty, which means it is not automatically binding on an independent Namibia.

However, the Transit Agreement was incorporated into the domestic law of South Africa by the South African Aviation Amendment Act 41 of 1946 (SA GG 3669). This Act amended and supplemented the Aviation Act 16 of 1923 (SA GG 1321), which was applicable to South West Africa (Section 20 of that Act defined “Union” to include “the mandatory territory of South-West Africa”). The Agreement was again
incorporated into South African domestic law prior to Namibian independence by the *Aviation Act 74 of 1962* (RSA GG 273), which was also applicable to South West Africa (Section 1 of that Act defined “Republic” to include “any territory in respect of which Parliament is competent to legislate”). This law remained in force in independent Namibia pursuant to Article 140 of the Namibian Constitution, which preserved all laws in force immediately before independence until repealed or amended by Act of Parliament or declared unconstitutional by a competent Court.

This incorporation of the Transit Agreement into domestic law was again confirmed after Namibian independence by the *Aviation Amendment Act 10 of 1991* (GG 226), which amended the *Aviation Act 74 of 1962* as it continued to apply in independent Namibia and made reference to the Agreement as follows:

“Transit Agreement” means the International Air Services Transit Agreement drawn up at Chicago on the seventh day of December, 1944, and adopted by section 2 of the Aviation Amendment Act, 1946 (Act No. 41 of 1946), and set out in the Second Schedule to this Act, and includes any amendments thereof and additions thereto binding upon Namibia by virtue of the provisions of Articles 63(2)(e) and 144 of the Namibian Constitution.

The agreement is again reaffirmed as part of Namibian domestic law by the *Civil Aviation Act 6 of 2016* (GG 6047) which replaced the *Aviation Act 74 of 1962*. Section 1 of Act 6 of 2016 states:

“Transit Agreement” means the International Air Services Transit Agreement drawn up at Chicago on 7 December, 1944, and adopted by section 2 of the Aviation Amendment Act, 1946 (Act 41 of 1946), contained in Schedule 2, and includes any amendments thereof and additions thereto binding upon Namibia.

The Act also includes the text of the Agreement in Schedule 2.

However, treaties entered into by South Africa, whether before or after its Mandate to govern South West Africa was revoked in 1966, are not considered binding on Namibia as a matter of international law unless Namibia as an independent state has deposited a notification of acceptance. This means that Namibia has made an international agreement a binding part of its domestic law without being bound by it internationally as a matter of international law – creating a very unusual situation.

###International Convention for the Suppression of Counterfeiting Currency

**Note:** This Convention is referenced in the Prevention of Counterfeiting of Currency Act 16 of 1965 (RSA), of which sections 1-4 and 12 remain in force in respect of Namibia. However, Namibia is not a party to this Convention.

South Africa became a party to the International Convention for the Suppression of Counterfeiting Currency on 28 August 1967, after the termination of its mandate over South West Africa in 1966. South Africa was not a predecessor state to Namibia, but an illegal occupying power as from that date, thus making it impossible for it to bind Namibia. The UN Institute for Namibia made a few exceptions to this approach for “general conventions of a humanitarian character”, on the basis of the 1971 advisory opinion of the International Court of Justice 1971 – but this Convention was not amongst them. There is, in any case, no indication that South Africa made any attempt to expressly extend the treaty to South West Africa (ie, no declaration and no note under “territorial application”). Furthermore, the depositary is the UN Secretary-General, but Namibia is not listed as a party in the UN Treaty Collection (see [https://treaties.un.org/pages/LONViewDetails.aspx?src=LON&id=555&chapter=30&clang=en](https://treaties.un.org/pages/LONViewDetails.aspx?src=LON&id=555&chapter=30&clang=en)).
Accordingly, Namibia does not appear to be a party to the International Convention for the Suppression of Counterfeiting Currency.

## International Health Regulations, 1969

**Notes:** These regulations are referenced in the International Health Regulations Act 28 of 1974 (RSA), which is applicable in Namibia. The Act applied the International Health Regulations adopted by the World Health Assembly in 1969 to South Africa and “South West Africa”.

On 25 May 1951, the WHO member States adopted the *International Sanitary Regulations – World Health Organisation Regulations No. 2*, which entered into force internationally on 1 October 1952 (source: UNTC). In accordance with Articles 106 – 110 of the ISR, the Regulations entered into force in the Union of South Africa (including the territory of South West Africa) upon acceptance on the same date (source: UNTC).

The International Sanitary Regulations were replaced by and renamed the *International Health Regulations* in 1969. The 1969 Regulations were subject to minor modifications in 1973 and 1981.

The International Health Regulations, 1969 were replaced in turn by the *International Health Regulations, 2005*, which entered into force internationally on 15 June 2007 (source: WHO). Namibia is bound by these 2005 Regulations from that date in accordance with Articles 21(a) and 22 of the WHO Constitution.


However, this South African statute, which is still in force in Namibia, incorporates the earlier 1969 version of the International Health Regulations directly into Namibian domestic law.

## Statute of African Diamonds Producers Association (ADPA), 2006

**Notes:** ADPA is a union of African diamond mining countries formed on 4 November 2006. It aims to advance the common interests of the continent’s diamond producers. It is a division of the African Diamond Council in Angola. The nature of this body could not be ascertained, nor whether it is established in terms of a binding international treaty.


*and*

Notes: The Protocol regulated the safety requirements for ships and fishing vessels. Its provisions relate to improved life-saving appliances, immersion suits, thermal protective aids, automatically controlled machinery spaces and satellite communication systems. It is not in force internationally, and Namibia is not a party.

The original Torremolinos Convention (adopted on 2 April 1977) never entered into force, as the necessary minimum requirements for ratification were never reached. The Torremolinos Protocol (adopted on 2 April 1993) was introduced in hopes of achieving wider acceptance. Additionally, the Convention initially dealt with shipping vessels that were 54m in length, but this was amended by the Protocol so as to cover shipping vessels 24m in length.

Article 10(1) of the Torremolinos Protocol provides that the Protocol shall enter into force 12 months after the date on which not less than 15 States have signed it or have deposited requisite instruments of ratification, acceptance, approval or accession. In 2007, the Namibian Cabinet authorised the Minister of Foreign Affairs to sign the Torremolinos Protocol. However, it was never signed (source: Ministry of Foreign Affairs; Ministry of Works and Transport – Marine Pollution Control & SAR Namibian).

The 1993 Torremolinos Protocol has since been superseded by the 2012 Cape Town Agreement on the Implementation of the Provisions of the Protocol Relating to the 1977 International Convention for the Safety of Fishing Vessels. The depositary for this agreement is the Secretary-General of the International Maritime Organization.

The Torremolinos Protocol was amended by the 2012 Cape Town Agreement on the Implementation of the Provisions of the Protocol Relating to the 1977 International Convention for the Safety of Fishing Vessels. This 2012 agreement is not yet in force. The 2012 Cape Town Agreement will enter into force 12 months after the date on which at least 22 states, the aggregate number of whose fishing vessels of 24m in length and over operating on the high seas is not less than 3600, have expressed their consent to be bound by it (Article 4(1) of the Agreement).

The 2012 Cape Town Agreement will replace the Torremolinos Protocol and amend a number of its provisions, to facilitate their entry into force. States are thus advised not to ratify or express consent to be bound by the Torremolinos Protocol but instead to become parties to the 2012 Cape Town Agreement. States which have already expressed their consent to be bound by the Torremolinos Protocol are advised to signify consent to be bound by the 2012 Cape Town Agreement, using the options available under Article 3 of the Agreement.

Namibia is expected to sign and ratify the 2012 Cape Town Agreement in due course (source: Ministry of Works and Transport – Marine Pollution Control & SAR Namibian). However, as of 13 September 2017, Namibia was not listed by the International Maritime Organisation as a signatory to the Agreement (www.imo.org/en/About/Conventions/StatusOfConventions/Documents/Status%20-%202017.pdf).

##Treaty for the Establishment of the Common Market in East and Southern Africa (COMESA), 1993

Notes: The Treaty establishes a free trade area for Eastern and Southern African states and forms one of the pillars of the African Economic Community. It entered into force internationally on 8 December 1994 (source: COMESA). Namibia is not a
party to this Treaty. The Ministry of Trade and Industry of Namibia indicated that Namibia signed this treaty on 5 November 1993. However, several sources indicate that Namibia withdrew its signature and left COMESA without ever having ratified the Treaty and before it entered into force internationally (see, for example, “Financial constraints squeeze Namibia out of COMESA”, PanaPress, 1 July 2003; “Comesa: Namibia wants out”, Fin 24, 24 July 2003; “SADC and Comesa move closer on trade deals”, The Namibian, 31 May 2007). The WIPO Secretariat indicates 23 February 1995 as the date of Namibia’s signature, and has no reference to withdrawal of this signature. But the COMESA Secretariat, as the depositary, neither lists Namibia as a member state nor indicates that Namibia either signed the Treaty or withdrew its signature.