Treaty of Peace and South West Africa Mandate Act 49 of 1919.

Summary: This Act gave effect to the Mandate for South West Africa established pursuant to the Treaty of Versailles by delegating authority for the administration of South West Africa to the Governor-General of South Africa. It was to cease to have effect on 1 July 1920 by its own terms (section 5), but it was extended by section 2 of the Treaties of Peace Act 32 of 1921 until such time as it is repealed. It was repealed in South Africa by section 36 of General Law Amendment Act 108 of 1993.

Applicability to SWA: The Act applied to SWA by virtue of its subject matter.

Diplomatic Privileges Act 71 of 1951, as amended in South Africa prior to Namibian independence.

Summary: This Act confers diplomatic immunity on diplomats.

Applicability to SWA: The Act was made applicable to South West Act by State President Proclamation 63 of 5 May 1989 (RSA GG 11681).

Related international agreements:

Vienna Convention on Diplomatic Relations, 1961

Namibia has NOT joined the following related agreements:
* Optional Protocol to the Vienna Convention on Diplomatic Relations concerning Acquisition of Nationality, 1961

Vienna Convention on Consular Relations, 1963

Namibia has NOT joined the following related agreement:
* Optional Protocol to the Vienna Convention on Consular Relations concerning Acquisition of Nationality, 1963 or the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes, 1963.

accession approved by Parliament: 24 April 2006
accession: 17 July 2006 (source: www.un.org)

SADC Protocol on Immunities and Privileges, 1992
(entered into force within SADC on 30 September 1993) (source: SADC)
signature: 17 August 1992 (source: SADC)
ratification: 14 December 1992 (source: SADC; Ministry of Foreign Affairs)

**Summary:** This Act gives effect to certain conventions done at Geneva on 12 August 1949 and to the protocols to those conventions. It came into operation 1 October 2004 (GN 207/2004, GG 3290). The conventions are

- Amelioration of Condition of Wounded and Sick in Armed Forces in the Field, 1949
- Amelioration of Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949
- Geneva Convention relative to the Treatment of Prisoners of War, 1949

**RELATED MATTERS**

Proc. 7/1997 (GG 1605) announces the signing and ratification of the Fourth ACP-EU Convention of Lomé.

Proc. 24/1997 (GG 1723) announces the signing and ratification of the SADC Protocol on Transport, Communications and Meteorology.

Proc. 7/1997 (GG 1605) announces the consent and ratification of the Protocol on the accession of three additional members of the European Union to the Fourth ACP-EU Convention of Lomé.

Proc. 6/1998 (GG 1803) announces the accession to the memorandum of understanding on road transportation in the Southern African Customs Union.


Proclamation 7 of 2000 (GG 2359) publishes a bilateral transport agreement between Zimbabwe and Namibia, and regulations relating to this agreement are contained in GN 156/2000 (GG 2359).

GN 59/2001 (GG 2509) publishes for information the United Nations Security Council Resolutions relating to Sanctions against UNITA.


**SELECTED ARTICLES**


INTERNATIONAL AGREEMENTS

BACKGROUND

International agreements are referred to by various names – such as “treaties”, “conventions”, “covenants” and “accords”. Such terminology is not used consistently, and the title given to the agreement generally has no particular legal effect. The term “treaty” is the generic term which is used for all such international instruments. The term “international agreements” is also used in this way.

Generally, the first step in the creation of an international agreement is the negotiation of a text, which can be a long and difficult process. This usually takes place in an international forum, such as the United Nations. Usually a draft text is discussed, amended and modified through a process of consultation, bargaining and compromise, until a sufficient degree of consensus is reached. The text is then adopted by the negotiating states. (“Adoption” does not make the agreement binding, but indicates acceptance of the text for consideration by states.) Written records of the formal negotiations are kept. These records are called the travaux préparatoires [French for preparatory works], and they can be very helpful in interpreting the final text.

The Constitutions of some countries set forth the processes which are required to bring treaties into force in that state. The treaty itself will sometimes state what procedure is required to bring it into force in individual states.

In some cases, signature by the head of state is sufficient to bind the state to the treaty. If so, this is referred to as a “definitive signature”. More commonly, “signature” by a state expresses an intent to become bound by the treaty at a later stage – once appropriate domestic procedures, such as approval by the legislature, have been carried out.

“Ratification” is the international act whereby a state formally indicates its consent to be bound to a treaty, where the treaty itself is not yet in force. In the case of bilateral treaties, ratification is usually accomplished by exchanging the requisite instruments, while in the case of multilateral treaties the usual procedure is for the depository to collect the ratifications of all states, keeping all parties informed of the situation. The treaty itself will often provide that it will come into force once a specified number of ratifications have been deposited. The institution of ratification grants states the necessary time-frame to seek the required approval for the treaty at the domestic level and to enact the necessary legislation to give domestic effect to that treaty.

"Accession" is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. Accession normally occurs after the treaty has entered into force. It has the same legal effect as ratification.

Sometimes a state will enter “reservations” to a treaty. This means that the state accepts the multilateral treaty in general, but refuses to bind itself to compliance with particular provisions. Reservations must not be incompatible with the overall object and purpose of the treaty.

States may also make “declarations” which clarify their understanding of particular provisions. Unlike reservations, declarations do not exclude the legal effect of such provisions but simply explain the state’s interpretation of them.

In terms of international law, a state is not bound by a treaty until the instrument of ratification or accession has been deposited with the appropriate institution. For example, the Secretary-General is the depository of many multilateral treaties. Other examples of depositories are international organizations or the government of the state where the treaty was signed.

Some international agreements have such widespread acceptance that they are regarded as international customary law. This means that their standards are applied universally, even where there has been no specific acceptance by a particular state. For example, the Universal Declaration of Human Rights is widely considered to have become part of international customary law.
The customary rules relating to international agreements have been codified in two treaties, the 1969 Vienna Convention on the Law of Treaties, which contains rules for treaties concluded between states, and the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations (which has not yet come into force). (Namibia has not yet agreed to either of these treaties, but they are still relevant to Namibia as statements of international customary law.)

**THE NAMIBIAN CONSTITUTION**

Article 32(3)(e) empowers the President of Namibia to “negotiate and sign international agreements, and to delegate such power”.

Article 63(2)(e) of the Namibian Constitution gives the National Assembly the power “to agree to the ratification of or accession to international agreements which have been negotiated and signed in terms of Article 32(3)(e) hereof”.

Article 144 states: “Unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international law and international agreements binding on Namibia under this Constitution shall form part of the law of Namibia.”

Article 143 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.”

**MULTILATERAL TREATIES IN FORCE IN NAMIBIA**

This list includes some of the major multilateral treaties to which Namibia is a party, organised by subject matter. It is not a comprehensive list, and it does not generally list bilateral treaties. Non-binding declarations and memoranda of understanding have not generally been included.

The dates for accession or ratification given by the Ministry of Foreign Affairs and Parliament do not always agree with those published by the United Nations and other international sources. The dates from the Ministry of Foreign Affairs and Parliament appear to reflect the dates on which accession/ratification was approved by Parliament. The accession/ratification dates from international sources normally reflect the dates on which the instrument of accession/ratification was deposited with the appropriate international authority because, in the eyes of international law, accession/ratification is not technically complete until this deposit takes place. For the sake of clarity, the entries in NAMLEX (where relevant) indicate dates for “accession/ratification approved by Parliament” and for “deposit”. Because of the potential confusion concerning dates, the following list indicates sources.

The treaties which Namibia has signed or acceded to/ratified are listed below under the following topics. An alphabetical list of the treaties appears at the front of this volume, below the alphabetical list of statutes, and some treaties are also cross-referenced under individual topics in NAMLEX.

- UNITED NATIONS
- AFRICAN UNION
- SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

*****

- AGRICULTURE
- ARMED CONFLICT
- ARMS AND AMMUNITION
- COMMUNICATIONS
- CRIME
- CULTURE
- DIPLOMATIC AND CONSULAR RELATIONS
- DISARMAMENT
- DRUGS
- EDUCATION
- ELECTIONS
- ENERGY
UNITED NATIONS

date of admission to United Nations – 23 April 1990
- includes acceptance of the *Charter of the United Nations*
- includes adoption of the *Statute of the International Court of Justice* annexed to the Charter of the United Nations
- also generally understood to include endorsement of the *Universal Declaration of Human Rights*

*Convention on Privileges and Immunities of the United Nations, 1946*
accession approved by Parliament: 24 April 2006
accession: 17 July 2006 (source: www.un.org)

AFRICAN UNION

*Constitutive Act of the African Union, 2000*
(replacing the OAU and the AEC with one unified institution)
signature: 27 October 2000
ratification approved by Parliament: 28 February 2001
deposit: 31 March 2001

*Protocol relating to the Establishment of the Peace and Security Council of the African Union, 2002*
(entered into force within the AU on 26 December 2003)
signature: 9 July 2002
ratification approved by Parliament: 19 November 2003
deposit: 9 December 2003 (source: www.africa-union.org)

*Establishment of the African Union Commission on International Law (AUCIL), 2009*
(entered into force automatically upon adoption by the Assembly in February 2009)
**Phyto-Sanitary Convention for Africa, 1967**
(not yet in force within the AU)
deposit: none recorded on African Union website (source: www.africa-union.org)

**AU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969**
accession: 2 September 1994 (source: Ministry of Foreign Affairs)
Note: The African Union website (file updated 11 November 2009) records a signature date of 11 November 2009 for Namibia, and no accession or deposit. (source: www.africa-union.org).

**Cases:** *S v Mashwena & Others* 2004 NR 276 (SC) (per O’Linn, AJA) refers to the “Convention relating to the Status of Refugees and Stateless Persons as Supplemented by the Protocol relating to the Status of Refugees” (confirming that Namibia acceded to the Protocol on 17 February 1995) and 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).

**African Civil Aviation Commission Constitution, 1969**
signature: 21 February 2002
ratification approved by Parliament: 12 March 2002
deposit: 10 May 2002 (source: African Union website- www.africa-union.org)

**Constitution for the African Civil Aviation Commission (AFCAC)-revised version, 2009**

**African Charter on Human and Peoples’ Rights, 1981**
accession: 30 July 1992
deposit: 16 August 1992
(source: African and International Instruments Online, www.oneworld.org/afronet/links/banjul_ratif1.htm; Ministry of Foreign Affairs)

**Protocol to the African Charter on Human and Peoples’ Rights on the establishment of the African Court on Human and Peoples’ Rights, 1998**
(entered into force within the AU on 15 January 2004)
signature: 9 June 1998
ratification approved by Parliament: 7 November 2000 (source: Parliament)
deposit: No deposit is recorded on the African Union website www.africa-union.org.

(entered into force within the AU on 25 November 2005)
signature: 9 December 2003 (source: www.africa-union.org)
ratification approved by Parliament: 8 July 2004 (source: Parliament)
deposit: 26 August 2004 (source: www.africa-union.org)

Reservation: Namibia will not be bound by Article 6(d) until it has enacted legislation regarding the recording and registration of customary marriages.
(source: Ministry of Foreign Affairs)

**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).
Agreement for the Establishment of the African Rehabilitation Institute, 1981
accession: 22 August 1996 (source: Ministry of Foreign Affairs)
deposit: 25 September 1996 (source: Ministry of Foreign Affairs)

signature: 13 July 1999
ratification approved by Parliament: 23 July 2004
deposit: 26 August 2004 (source: www.africa-union.org)

Treaty Establishing the African Economic Community, 1991
signature: 3 June 1991 (source: Ministry of Foreign Affairs; www.africa-union.org)
ratification: 28 June 1992 (source: Ministry of Foreign Affairs; www.africa-union.org)
deposit: 1 July 1992 (source: Ministry of Foreign Affairs; www.africa-union.org)

(came into force within the AU on 14 December 2003)
signature: 7 May 2001
ratification approved by Parliament: 9 July 2002 (source: Parliament)
deposit: 13 August 2002 (source: www.africa-union.org)

(entered into force within the AU on 5 August 2006)
signature: 9 December 2003
ratification approved by Parliament: 28 April 2004 (source: Parliament); 5 August 2004 (source: www.africa-union.org)
deposit: 26 August 2004 (source: www.africa-union.org)

African Civil Aviation Commission Constitution, 1969
signature: 21 February 2002
ratification approved by Parliament: 12 March 2002 (source: Parliament)
deposit: 10 May 2002 (source: www.africa-union.org)

Constitution for the African Civil Aviation Commission (AFCAC)-revised version, 2009
signature: 11 May 2010 (source: www.africa-union.org)

(entered into force within AU on 13 December 2006)
deposit: 30 May 2007 (source: www.africa-union.org)

African Youth Charter, 2006
(entered into force within the AU on 8 August 2009)
signature: 16 May 2008
ratification approved by Parliament: 13 March 2008 (source: Parliament); 17 July 2008 (source: www.africa-union.org)
deposit: 23 July 2008 (source: www.africa-union.org)
The following treaties, conventions and protocols of the African Union have been signed but NOT ratified by Namibia:

signature: 11 April 1996 (source: [www.africa-union.org](http://www.africa-union.org)).

**African Maritime Transport Charter, 1994**  
signature: 13 July 1999 (source: [www.africa-union.org](http://www.africa-union.org)).

**OAU Convention on the Prevention and Combating of Terrorism, 1999**  
signature: 14 July 1999 (source: [www.africa-union.org](http://www.africa-union.org)).  
Namibia has not yet signed or ratified the Protocol to this Convention adopted in 2004, which is not yet in force in the AU.

**African Convention on the Conservation of Nature and Natural Resources (revised version), 2003**  
(not yet in force within the AU)  
signature: 6 December 2003 (source: [www.africa-union.org](http://www.africa-union.org)).

**Protocol on Amendments to the Constitutive Act of the African Union, 2003**  
(not yet in force within the AU)  
signature: 9 December 2003

**Protocol on the Court of Justice of the African Union, 2004**  
(entered into force within the AU on 11 February 2009)  
signature: 9 December 2003 (source: [www.africa-union.org](http://www.africa-union.org)).

**African Charter on Democracy, Elections and Governance, 2007**  
(not yet in force within the AU)  
signature: 10 May 2007 (source: [www.africa-union.org](http://www.africa-union.org)).

**African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009**  
signature: 23 October 2009 (source: [www.africa-union.org](http://www.africa-union.org)).

The following treaties, conventions and protocols of the African Union have NOT been signed or ratified by Namibia:

and **African Convention on the Conservation of Nature and Natural Resources (Revised Version), 2003** (not yet in force within the AU)  
Note: Both remain potentially relevant; Article 34 of the revised 2003 Convention states that only the 2003 Convention shall apply between parties which are bound by it, but that relationships between parties to the original 1968 Convention and Parties to the 2003 Convention shall be governed by the provisions of the original Convention.

**Constitution of the Association of African Trade Promotion Organisations, 1974**  
**Inter-African Convention Establishing an African Technical Co-operation Programme, 1975** (not yet in force within the AU)  
**OAU Convention for the Elimination of Mercenarism in Africa, 1977**  
**Cultural Charter for Africa, 1976**  
**Convention for the Establishment of the African Centre for Fertilizer Development, 1985** (not yet in force within the AU)  
**Bamako Convention on the Ban of the Import into Africa and the Control of Trans-Boundary Movement and Management of Hazardous Waste within Africa, 1991**  
**African Union Non-Aggression and Common Defence Pact, 2005**
Charter for African Cultural Renaissance, 2006 (not yet in force within the AU)
This Protocol, which is not yet in force in the AU, will replace the Protocol
to the African Charter for Human and People’s Rights on the establishment
of the African Court on Human and People’s Rights, 1998 and the Protocol
African Charter on Statistics, 2009

SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

Accession of Namibia to Southern African Development Co-ordination Conference
(SADCC), 1979
accession: 1 April 1990 (source: Ministry of Foreign Affairs)

Declaration and Treaty Establishing the Southern African Development Community
(SADC), 1992
(entered into force within SADC on 30 September 1993) (source: SADC)
signature: 17 August 1992 (source: SADC)
ratification: 14 December 1992 (source: SADC; Ministry of Foreign Affairs)
Note: Article 36 of the Treaty provides as follows: (1) An amendment of this Treaty shall be
adopted by a decision of three-quarters of all the Members of the Summit. (2) A proposal for
the amendment of this Treaty may be made to the Executive Secretary by any Member State
for preliminary consideration by the Council, provided, however, that the proposed
amendment shall not be submitted to the Council for preliminary consideration until all
Member States have been duly notified of it, and a period of three months has elapsed after
such notification.

Agreement Amending the Treaty, 2001
(entered into force in SADC on 14 August 2001) (source: SADC)
signature: 14 August 2001 (source: Ministry of Foreign Affairs)

Agreement Amending Article 22 of the Treaty, 2007
(entered into force in SADC on 17 August 2007) (source: SADC)
signature: 17 August 2007 (source: SADC)

Agreement Amending the Treaty, 2008
(entered into force in SADC on 17 August 2008) (source: SADC)
signature: 17 August 2008 (source: SADC)

Agreement Amending the Treaty 2009 – DES
(entered into force in SADC on 8 September 2009) (source: SADC)
signature: 8 September 2009 (source: SADC)

Agreement Amending the Treaty 2009 – ORGAN
(entered into force in SADC on 8 September 2009) (source: SADC)
signature: 8 September 2009 (source: SADC)

SADC Charters

Charter of the Regional Tourism Organisation of Southern Africa (RETOSA), 1997
This Charter enters into force upon signature by member states, without ratification.
(entered into force within SADC on 8 September 1997) (source: SADC)
signature: 8 September 1997 (source: SADC; Ministry of Foreign Affairs)
Charter of Fundamental Social Rights in SADC, 2003
This Charter enters into force upon signature by member states, without ratification.
(entered into force within SADC on 26 August 2003) (source: SADC)
signature: 26 August 2003 (source: SADC)

SADC Protocols
Since 2001, SADC Protocols require ratification by two-thirds of the member states to come into force.

In the original 1992 SADC Treaty Article 22 on Protocols stated:
1. Member States shall conclude such Protocols as may be necessary in each area of co-operation, which shall spell out the objectives and scope of, and institutional mechanisms for, co-operation and integration.
2. Each Protocol shall be approved by the Summit on the recommendation of the Council, and shall thereafter become an integral part of this Treaty.
3. Each Protocol shall be subject to signature and ratification by the parties thereto.

After the SADC Treaty was amended in 2001, Article 22 on Protocols stated:
1. Member States shall conclude such Protocols as may be necessary in each area of co-operation, which shall spell out the objectives and scope of, and institutional mechanisms for, co-operation and integration.
2. Each Protocol shall be approved by the Summit on the recommendation of the Council.
3. Each Protocol shall be open to signature and ratification.
4. Each Protocol shall enter into force thirty (30) days after the deposit of the instruments of ratification by two thirds of the Member States.
5. Once a Protocol has entered into force, a Member State may only become a party thereto by accession.
6. Each Protocol shall remain open for accession by any State subject to Article 8 of this Treaty.
7. The original texts of each Protocol and all instruments of ratification and accession shall be deposited with the Executive Secretary who shall transmit certified copies thereof to all Member States.
8. The Executive Secretary shall register each Protocol with the Secretariat of the United Nations Organization and the Commission of the African Union.
9. Each Protocol shall be binding only on the Member States that are party to the Protocol in question.

SADC Protocol on Immunities and Privileges, 1992
(entered into force within SADC on 30 September 1993) (source: SADC)
signature: 17 August 1992 (source: SADC)
ratification: 14 December 1992 (source: SADC; Ministry of Foreign Affairs)

(entered into force within SADC on 28 September 1998) (source: SADC)
signature: 28 August 1995 (source: SADC)
ratification: 5 June 1998 (source: SADC; Ministry of Foreign Affairs)

SADC Revised Protocol on Shared Watercourses, 2000
(entered into force within SADC on 22 September 2003) (source: SADC)
signature: 7 August 2000 (source: SADC)
ratification: 11 September 2001 (source: SADC; Ministry of Foreign Affairs)

SADC Protocol on Combating Illicit Drug Trafficking in the Southern African Region, 1996
(entered into force within SADC on 20 March 1999) (source: SADC)
signature: 24 August 1996 (source: SADC)
ratification: 18 August 1998 (source: SADC; Ministry of Foreign Affairs)

SADC Protocol on Energy, 1996
(entered into force within SADC on 17 April 1998) (source: SADC)
signature: 24 August 1996 (source: SADC)
ratification: 17 January 1998 (source: SADC; Ministry of Foreign Affairs)

**SADC Protocol on Trade, 1996**
(entered into force within SADC on 25 January 2000) (source: SADC)
signature: 24 August 1996 (source: SADC)
ratification: 22 December 1998 (source: SADC; Ministry of Foreign Affairs)

**SADC Amendment Protocol on Trade, 2000**
(entered into force within SADC on 7 August 2000) (source: SADC)
signature: 7 August 2000 (source: SADC)
ratification: 4 April 2001 (source: Ministry of Foreign Affairs)
date of implementation: 4 June 2001 (source: Ministry of Foreign Affairs)
SADC list of ratifications dated 23 June 2010 does not show ratification by Namibia

**Agreement Amending Article 20 of the Protocol on Trade, 2008**
(entered into force within SADC on 17 August 2008) (source: SADC)
signature: 17 August 2008
no ratification appears to be needed

**Agreement Amending Annex VI to Protocol on Trade concerning settlement of disputes amongst member states 2007**
(entered into force within SADC on 17 August 2007) (source: SADC)
signature: 17 August 2007 (source: SADC)
no ratification appears to be needed

**Note:** See GN 116/2001 (GG 2548), which relates to the implementation of the SADC Protocol on trade in Namibia.

**SADC Protocol on Transport, Communications and Meteorology, 1996**
(entered into force within SADC on 6 July 1998) (source: SADC)
signature: 24 August 1996 (source: SADC)
ratification: 19 September 1997 (source: SADC; Ministry of Foreign Affairs)

**SADC Protocol on Education and Training, 1997**
(entered into force within SADC on 31 July 2000) (source: SADC)
signed: 8 September 1997 (source: SADC)
ratification: 18 August 1998 (source: SADC; Ministry of Foreign Affairs)

**SADC Protocol on Mining, 1997**
(entered into force within SADC on 10 February 2000) (source: SADC)
signature: 8 September 1997 (source: SADC)
ratification: 22 December 1998 (source: SADC; Ministry of Foreign Affairs)

**SADC Protocol on the Development of Tourism, 1998**
(entered into force within SADC on 26 November 2002) (source: SADC)
signature: 14 September 1998 (source: SADC)
ratification: 13 June 2000 (source: SADC; Ministry of Foreign Affairs)

**Agreement amending the Protocol on the Development of Tourism, 2009**
(entered into force within SADC on 8 September 2009)
signature: 8 September 2009
no ratification appears to be needed
**SADC Protocol on Wildlife Conservation and Law Enforcement, 1999**
(entered into force within SADC on 30 November 2003) (source: SADC)
signature: 18 August 1999 (source: SADC)
ratification: 14 January 2000 (source: SADC; Ministry of Foreign Affairs)

**SADC Protocol on Health, 1999**
(entered into force within SADC on 14 August 2004) (source: SADC)
signature: 18 August 1999 (source: SADC)
ratification: 10 July 2000 (source: SADC; Ministry of Foreign Affairs)

(entered into force within SADC on 14 August 2001) (source: SADC; www.sadc-tribunal.org)
signature: 7 August 2000 (source: SADC)
ratification: 2 October 2001 (source: SADC; Ministry of Foreign Affairs)

**SADC Agreement Amending the Protocol on the Tribunal, 2002**
entered into force within SADC on 3 October 2002 (source: SADC)
signature: 3 October 2002 (source: SADC; www.sadc-tribunal.org)

**SADC Agreement Amending the Protocol on the Tribunal, 2007**
entered into force within SADC on 17 August 2007 (source: SADC)
signature: 17 August 2007 (source: SADC; www.sadc-tribunal.org)

**SADC Agreement Amending Article 6 of the Protocol on Tribunal, 2008**
entered into force within SADC on 17 August 2008 (source: SADC)
signature: 17 August 2008 (source: SADC; www.sadc-tribunal.org)

**Note:**
In the original 1992 SADC Treaty Article 16 on the Tribunal stated:

1. The Tribunal shall be constituted to ensure adherence to and the proper interpretation of the provisions of this Treaty and subsidiary instruments and to adjudicate upon such disputes as may be referred to it.

2. The composition, powers, functions, procedures and other related matters governing the Tribunal shall be prescribed in a Protocol adopted by the Summit.

3. Members of the Tribunal shall be appointed for a specified period.

4. The Tribunal shall give advisory opinions on such matters as the Summit or the Council may refer to it.

5. The decisions of the Tribunal shall be final and binding.

The 2000 SADC Summit adopted a Tribunal Protocol which included requirements that it must be ratified in Article 35. It was also specified in Article 38 that the Protocol would “come into force” only after two thirds of SADC Members had ratified it. However, after the underlying SADC Treaty was amended in 2001, Article 16 on the Tribunal stated:

6. The Tribunal shall be constituted to ensure adherence to and the proper interpretation of the provisions of this Treaty and subsidiary instruments and to adjudicate upon such disputes as may be referred to it.

7. The composition, powers, functions, procedures and other related matters governing the Tribunal shall be prescribed in a Protocol, which shall, notwithstanding the provisions of Article 22 of this Treaty, form an integral part of this Treaty, adopted by the Summit.

8. Members of the Tribunal shall be appointed for a specified period.

9. The Tribunal shall give advisory opinions on such matters as the Summit or the Council may refer to it.

10. The decisions of the Tribunal shall be final and binding.

As a result, the 2000 Tribunal Protocol came into force on 14 August 2001, the effective date of the amendments to the SADC Treaty.
In 2002, to end any uncertainty and to bring the Tribunal Protocol in line with the 2001 amendments to the SADC Treaty, the SADC Summit accepted an amendment the Tribunal Protocol to cancel its requirement for ratification by Member States, deleting Articles 35 and 38.

Similarly, Article 37 of the 2000 Tribunal Protocol makes the following provision for amendments:

4. Any State which is a Party to this Protocol may propose an amendment thereto.
5. Proposals for amendment to this Protocol may be made to the Executive Secretary who shall duly notify all States of the proposed amendment or amendments at least thirty (30) days in advance of consideration of the amendment by the Committee of Ministers. Such period of notice may be waived by the States.
6. An amendment to this Protocol shall be adopted by a decision of three quarters of all the members of the Summit who are Parties to this Protocol, and shall become effective subject to Article 36 of this Protocol.

After the 2002 amendments, Article 37 read as follows:

4. Any Member State may propose an amendment to this Protocol.
5. Proposals for amendment to this Protocol may be made to the Executive Secretary who shall duly notify all Member States of the proposed amendments at least thirty (30) days in advance of consideration of the amendment by Member States but such period of notice may be waived by Member States.
6. Amendments to this Protocol shall be adopted by a decision of three quarters of all the Members of the Summit and shall become effective within thirty (30) days after such adoption.

After the 2002 amendments, Article 37 read as follows:

4. Any Member State may propose an amendment to this Protocol.
5. Proposals for amendment to this Protocol may be made to the Executive Secretary who shall duly notify all Member States of the proposed amendments at least thirty (30) days in advance of consideration of the amendment by Member States but such period of notice may be waived by Member States.
6. Amendments to this Protocol shall be adopted by a decision of three quarters of all the Members of the Summit and shall become effective within thirty (30) days after such adoption.


SADC Protocol on Legal Affairs, 2000
(entered into force within SADC on 1 September 2006) (source: SADC)
signature: 7 August 2000 (source: SADC)
ratification: 2 October 2001 (source: SADC; Ministry of Foreign Affairs)

SADC Protocol on Fisheries, 2001
(entered into force within SADC on 8 August 2003) (source: SADC)
signature: 14 August 2001 (source: SADC)
ratification: 21 June 2002 (source: SADC; Ministry of Foreign Affairs)

SADC Protocol Against Corruption, 2001
(entered into force within SADC on 6 July 2005) (source: SADC)
signature: 14 August 2001 (source: SADC)
ratification approved by Parliament: 27 April 2004 (source: Parliament)
ratification: 23 June 2005 (source: SADC)

(entered into force within SADC on 2 March 2004) (source: SADC)
signature: 14 August 2001 (source: SADC)
ratification approved by Parliament: 1 October 2002 (source: Parliament)
ratification: 8 November 2002 (source: Ministry of Foreign Affairs); 2 December 2002 (source: SADC)

**SADC Mutual Defence Pact, 2003**
(entered into force within SADC 17 August 2008) (source: SADC)
signature: 26 August 2003 (source: SADC)
ratification approved by Parliament: 19 November 2003 (source: Parliament)
ratification: 11 October 2004 (source: SADC)

**Agreement amending the Protocol on Politics, 2009**
(entered into force within SADC on 8 September 2009) (source: SADC)
signature: 8 September 2009 (source: SADC)
no ratification appears to be needed

**SADC Protocol on the Control of Firearms, Ammunition and other Related Materials in the Southern African Development Community (SADC) Region, 2001**
(entered into force within SADC on 8 November 2004) (source: SADC)
signature: 14 August 2001 (source: SADC)
ratification approved by Parliament: 3 July 2002 (source: Parliament)
ratification: 8 October 2004 (source: SADC)

**SADC Protocol on Culture, Information and Sport, 2001**
(entered into force within SADC on 7 January 2006) (source: SADC)
signature: 14 August 2001
ratification approved by Parliament: 29 October 2002 (source: Parliament)
ratification: 2 December 2002 (source: SADC)

**SADC Protocol on Extradition, 2002**
(entered into force within SADC on 1 September 2006) (source: SADC)
signature: 3 October 2002 (source: SADC)
ratification approved by Parliament: 7 November 2006 (source: Parliament)
ratification: 1 February 2007 (source: SADC)

**SADC Protocol on Forestry, 2002**
(entered into force within SADC on 1 September 2006) (source: SADC)
signature: 17 August 2008
ratification approved by Parliament: 2 April 2009 (source: Parliament)
ratification: 29 April 2009 (source: SADC)

**SADC Protocol on Mutual Legal Assistance in Criminal Matters, 2002**
(entered into force within SADC on 2 March 2004) (source: SADC)
signature: 3 October 2002 (source: SADC)
ratification approved by Parliament: 7 November 2006 (source: Parliament)
ratification: 1 February 2007 (source: SADC)

**SADC Protocol on the Facilitation of Movement of Persons, 2005**
(not yet in force within SADC as of 23 June 2010) (source: SADC)
signature: 18 August 2005
not ratified by Namibia as of 23 June 2010 (source: SADC)

**SADC Protocol on Finance and Investment, 2006**
(entered into force within SADC 16 April 2010) (source: SADC)
signature: 18 August 2008 (source: SADC)
ratification approved by Parliament: 2 March 2010 (source: Parliament)
ratification: 16 March 2010 (source: SADC)
SADC Protocol on Science, Technology and Innovation, 2008
(not yet in force within SADC as of 23 June 2010) (source: SADC)
ratification approved by Parliament: 7 October 2009 (source: Parliament)
SADC list of ratifications dated 23 June 2010 does not show ratification by Namibia

SADC Protocol on Gender and Development, 2008
(not yet in force within SADC as of 23 June 2010) (source: SADC)
signature: 17 August 2008  (source: SADC)
ratification approved by Parliament: 7 October 2009 (source: Parliament)
SADC list of ratifications dated 23 June 2010 does not show ratification by Namibia

Other SADC Agreements
A SADC Memorandum of Understanding is a preliminary legal document describing an interim agreement between parties. It establishes the principles that will guide the implementation of programmes or projects; defines the expectations, terms, and conditions of the working relationship between the parties; and identifies areas of mutual concern. Most Memoranda of Understanding imply that a more formal legal document will be forthcoming (source: SADC Parliamentary Forum, Compendium of SADC Protocols, SaferAfrica, May 2007). Because such memoranda do not appear to be legally binding, they have not been listed here.

Other agreements which are clearly non-binding have not been listed here, although some are referenced under individual subjects as they may assist statutory interpretation.

Agreement on the Establishment of the Zambezi Watercourse Commission, 2004
(not yet in force within SADC as of 23 June 2010) (source: SADC)
signature: 13 July 2004  (source: SADC)
ratification: 11 July 2005 (source: SADC)

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AGRICULTURE

International Agreement for the Creation of an International Office for dealing with Contagious Diseases of Animals, Paris, 1925
effective date of accession: 10 December 1990

Constitution of the Food and Agriculture Organization of the United Nations, 1945
effective date in respect of Namibia: 1 December 1977

International Plant Protection Convention, 1951
ratification approved by Parliament: 20 October 2005
deposit: 23 February 2007 (source: www.fao.org/Legal/TREATIES/004s-e.htm)

Phyto-Sanitary Convention for Africa, 1967
(not yet in force within the AU)
deposit: none recorded on African Union website (source: www.africa-union.org).

International Treaty on Plant Genetic Resources for Food and Agriculture, 2001
signature: 9 November 2001  
deposit: 7 October 2004 (source: www.fao.org/Legal/TREATIES/033s-e.htm)

ARMED CONFLICT
The first four conventions are often referred to as the “Geneva Conventions”.

Amelioration of Condition of Wounded and Sick in Armed Forces in the Field, 1949
accession: 21 March 1990 (instrument of succession by United Nations Council for Namibia on behalf of Namibia, 18 October 1983, with effect from 18 April 1984)

Amelioration of Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949
accession: 21 March 1990 (instrument of succession by United Nations Council for Namibia on behalf of Namibia, 18 October 1983, with effect from 18 April 1984)

Geneva Convention relative to the Treatment of Prisoners of War, 1949
accession: 21 March 1990 (instrument of succession by United Nations Council for Namibia on behalf of Namibia, 18 October 1983, with effect from 18 April 1984)

Geneva Convention relative to Protection of Civilian Persons in Time of War, 1949
accession: 21 March 1990 (instrument of succession by United Nations Council for Namibia on behalf of Namibia, 18 October 1983, with effect from 18 April 1984)

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977
accession: 21 March 1990 (instrument of succession by United Nations Council for Namibia on behalf of Namibia, 18 October 1983, with effect from 18 April 1984)

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
accession: 21 March 1990 (instrument of succession by United Nations Council for Namibia on behalf of Namibia, 18 October 1983, with effect from 18 April 1984)

Rome Statute of the International Criminal Court, 1998
(came into force internationally on 1 July 2002)  
signature: 27 October 1998  
ratification: 25 June 2002 (source: www.iccnow.org)

Agreement on the Privileges and Immunities of the International Criminal Court, 2002  
(came into force internationally on 22 July 2004)  
signature: 10 September 2002  
ratification approved by Parliament: 2 July 2003 (source: Parliament)  
deposit: 29 January 2004 (source: www.iccnow.org)

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000
(entered into force internationally on 12 February 2002)  
signature: 8 September 2000 (source: Ministry of Foreign Affairs)  
ratification: 16 April 2002 (source: UNICEF)
Note: Namibia’s ratification of this Optional Protocol was accompanied by a declaration on the minimum recruitment age (age 18) for the Namibia Defence Force (source: Ministry of Foreign Affairs).

**SADC Protocol on Politics, Defence and Security Co-operation, 2001**
(entered into force within SADC on 2 March 2004) (source: SADC)
signature: 14 August 2001 (source: SADC)
ratification approved by Parliament: 1 October 2002 (source: Parliament)
ratification: 8 November 2002 (source: Ministry of Foreign Affairs);
2 December 2002 (source: SADC)

**SADC Mutual Defence Pact, 2003**
(entered into force within SADC 17 August 2008) (source: SADC)
signature: 26 August 2003 (source: SADC)
ratification approved by Parliament: 19 November 2003 (source: Parliament)
ratification: 11 October 2004 (source: SADC)

**Agreement amending the Protocol on Politics, 2009**
(entered into force within SADC on 8 September 2009) (source: SADC)
signature: 8 September 2009 (source: SADC)
no ratification appears to be needed

**ARMS AND AMMUNITION**

**SADC Protocol on the Control of Firearms, Ammunition and other Related Materials in the Southern African Development Community (SADC) Region, 2001**
(entered into force within SADC on 8 November 2004) (source: SADC)
signature: 14 August 2001 (source: SADC)
ratification approved by Parliament: 3 July 2002 (source: Parliament)
ratification: 8 October 2004 (source: SADC)

**Convention on Cluster Munitions, 2008**
(entered into force 1 August 2010)
signature: 3 December 2008
deposit: None recorded. (source: www.clusterconvention.org)

SEE ALSO DISARMAMENT.

**COMMUNICATIONS**

**Universal Postal Union, 1964**
accession: 20 February 1992 (source: Ministry of Foreign Affairs)

**International Telecommunications Satellite Organisation (INTELSAT)**
accession: 11 October 1993 (source: Ministry of Foreign Affairs)

   **Amendments to the Agreement Relating to the International Telecommunications Satellite Organisation (INTELSAT/ITSO), 2000** (effective 18 July 2001)
signature: 18 November 2000
letter of approval: 8 July 2002 (source: Ministry of Foreign Affairs)

**Constitution and Convention of the International Telecommunication Union, 1992**
accession: 2 August 1994 (source: Ministry of Foreign Affairs)
**SADC Protocol on Transport, Communications and Meteorology, 1996**
(entered into force within SADC on 6 July 1998) (source: SADC)
signature: 24 August 1996 (source: SADC)
ratification: 19 September 1997 (source: SADC; Ministry of Foreign Affairs)

**CRIME**

*Rome Statute of the International Criminal Court, 1998*
(came into force internationally on 1 July 2002)
signature: 27 October 1998
ratification: 25 June 2002 (source: www.iccnow.org)

*Agreement on the Privileges and Immunities of the International Criminal Court, 2002*
(came into force internationally on 22 July 2004)
signature: 10 September 2002
ratification approved by Parliament: 2 July 2003 (source: Parliament)
deposit: 29 January 2004 (source: www.iccnow.org)

*International Convention for the Suppression of the Financing of Terrorism, 1999*
(came into force internationally on 10 April 2002)
signature: 10 November 2001; not yet ratified by Namibia

*Convention Against Transnational Organised Crime, 2000*
(entered into force internationally on 29 September 2003)
signature: 13 December 2000 (source: Ministry of Foreign Affairs; Parliament)
ratification: 16 August 2002
(source: www.unodc.org/unodc/crime_cicp_signatures.html)

*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000*
(entered into force internationally on 25 December 2003)
signature: 13 December 2000 (source: Ministry of Foreign Affairs)
ratification: 16 August 2002
(source: www.unodc.org/unodc/crime_cicp_signatures.html)

*Protocol against the Smuggling of Migrants by Land, Sea and Air, 2000*
(entered into force internationally on 28 January 2004)
signed: 13 December 2000 (source: Ministry of Foreign Affairs)
ratification: 16 August 2002
(source: www.unodc.org/unodc/crime_cicp_signatures.html)

Note: Namibia has not yet signed the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, 2001.

**CULTURE**

*Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO), 1945*
Namibia has been a member state of this organisation since 2 November 1978.
Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972
accession: 6 April 2000 (source: www.epi.freedom.org/whrty.htm)

World Heritage Convention, 1975
accession: 6 April 2000 (source: www.unesco.org/whc)

(entered into force internationally on 2 January 2009)
ratification by Parliament: 11 March 2010 (source: Parliament)
ratification not registered with UNESCO as of June 2010 (source: UNESCO, www.unesco.org)

(entered into force internationally on 20 April 2006)
ratification approved by Parliament: 7 November 2006
deposit: 19 September 2007; effective date: 19 December 2007
(source: UNESCO, www.unesco.org)

Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005
(entered into force internationally on 18 March 2007)

SADC Protocol on Culture, Information and Sport, 2001
(entered into force within SADC on 7 January 2006) (source: SADC)
signature: 14 August 2001
ratification approved by Parliament: 29 October 2002 (source: Parliament)
ratification: 2 December 2002 (source: SADC)

DIPLOMATIC AND CONSULAR RELATIONS

Vienna Convention on Diplomatic Relations, 1961
accession: 14 September 1992
Namibia has NOT joined the following related agreements:
* Optional Protocol to the Vienna Convention on Diplomatic Relations concerning Acquisition of Nationality, 1961

Vienna Convention on Consular Relations, 1963
accession: 14 September 1992

Namibia has NOT joined the following related agreement:
* Optional Protocol to the Vienna Convention on Consular Relations concerning Acquisition of Nationality, 1963 or the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes, 1963.

accession approved by Parliament: 24 April 2006
accession: 17 July 2006 (source: www.un.org)

SADC Protocol on Immunities and Privileges, 1992
(entered into force within SADC on 30 September 1993) (source: SADC)
signature: 17 August 1992 (source: SADC)
ratification: 14 December 1992 (source: SADC; Ministry of Foreign Affairs)
DISARMAMENT

Treaty on the Non-Proliferation of Nuclear Weapons, 1968
accession: 2 October 1992; effective date: 7 October 1992

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1993
signature: 13 January 1993
ratification: 24 November 1995

Comprehensive Nuclear-Test-Ban Treaty, 1996
(not yet in force internationally as of 20 January 2005)
signature: 24 September 1996
ratification: 29 June 2001

African Nuclear Weapon Free Zone Treaty, 1996 (Treaty of Pelindaba)
signature: 4 November 1996
(source: [www.africa-union.org](http://www.africa-union.org))

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997
signature: 3 December 1997
ratification: 21 September 1998

Convention on Cluster Munitions, 2008
(entered into force 1 August 2010)
signature: 3 December 2008
deposit: None recorded. (source: [www.clusterconvention.org](http://www.clusterconvention.org))

SEE ALSO ARMS AND AMMUNITION.

DRUGS

Convention on Psychotropic Substances, 1971
accession: 31 March 1998

Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25 March 1972
accession: 31 March 1998

Note: The UN Treaty Data Base lists two other drug-related treaties to which “South West Africa (Namibia)” is party by means of territorial application. However, this may no longer apply to independent Namibia.

* Final Act of the United Nations Opium Conference held at United Nations Headquarters, New York, from 11 May to 18 June 1953; Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, 1953 (territorial application as of 9 March 1960, with effect from 8 March 1963)
* Protocol bringing under international control drugs outside the scope of the Convention of 13 July 1931 for limiting the manufacturing and regulating the distribution of narcotic drugs, as amended by the Protocol signed at Lake Success on 11 December 1946.
United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988  
(entered into force internationally on 11 November 1990)  
ratification approved by Parliament: 26 February 2009 (source: Parliament)  
accession: 6 March 2009 (source: Ministry of Foreign Affairs)  

SADC Protocol on Combating Illicit Drug Trafficking in the Southern African Region, 1996  
(entered into force within SADC on 20 March 1999) (source: SADC)  
signature: 24 August 1996 (source: SADC)  
ratification: 18 August 1998 (source: SADC; Ministry of Foreign Affairs)  

EDUCATION  

Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO), 1945  
effective date in respect of Namibia: 2 November 1978.  

SADC Protocol on Education and Training, 1997  
(entered into force within SADC on 31 July 2000) (source: SADC)  
signed: 8 September 1997 (source: SADC)  
ratification: 18 August 1998 (source: SADC; Ministry of Foreign Affairs)  

ELECTIONS  

Statutes of the International Institute for Democracy and Electoral Assistance, 2006  
(entered into force 21 November 2008) (source: www.idea.int)  
accession approved by Parliament: 9 July 2008 (source: Parliament)  

ENERGY  

Statute of the International Atomic Energy Agency, 1956  
effective date in respect of Namibia: 17 February 1983.  

(entered into force within AU on 13 December 2006)  
deposit: 30 May 2007 (source: www.africa-union.org)  

SADC Protocol on Energy, 1996  
(entered into force within SADC on 17 April 1998) (source: SADC)  
signature: 24 August 1996 (source: SADC)  

ENVIRONMENT
International Plant Protection Convention, 1951
ratification approved by Parliament: 20 October 2005
deposit: 23 February 2007 (source: www.fao.org/Legal/TREATIES/004s-e.htm)

Phyto-Sanitary Convention for Africa, 1967
(not yet in force within the AU)
deposit: none recorded on African Union website (source: www.africa-union.org).

International Convention on Civil Liability for Oil Pollution Damage, 1969, as replaced by
the 1992 Protocol, as amended in 2000
accession approved by Parliament: 9 October 2001 (source: Parliament)
deposit: 18 December 2002; effective date: 18 December 2003
(source: International Maritime Organisation, www.imo.org)

International Convention on the Establishment of an International Fund for
Compensation for Oil Pollution Damage, 1971, as replaced by the 1992 Protocol
accession approved by Parliament: 9 October 2001 (source: Parliament)
deposit: 18 December 2002; defective date: 18 December 2003
(source: International Maritime Organisation, www.imo.org)

Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972
accession: 6 April 2000 (source: www.epi.freedom.org/whrty.htm)

World Heritage Convention, 1975
accession: 6 April 2000 (source: www.unesco.org/whc)

International Convention for the Prevention of Pollution from Ships, 1973, as modified by
the Protocol of 1978 relating thereto
accession approved by Parliament: 9 October 2001 (source: Parliament)
deposit: 18 December 2002; effective date: 18 March 2003
(source: International Maritime Organisation, www.imo.org)
Note: Namibia has also acceded to Annexes I/II (Prevention of Pollution by Oil/Control of Pollution by Noxious Liquid Substances), III (Prevention of Pollution by Harmful Substances in Packaged Form) and V (Prevention of Pollution by Garbage from Ships), but has NOT acceded to Annex IV (Prevention of Pollution by Sewage from Ships) or the 1997 Protocol adding Annex VI (Prevention of Air Pollution from Ships). (source: International Maritime Organisation, www.imo.org)

Convention on International Trade in Endangered Species of Wild Fauna and Flora
(CITES), 1973
(source: www.cites.org/eng/parties/alphabet.shtml; http://sedac.ciesin.org/)

Amendment to Article XI of the Convention, Bonn (Germany), 22 June 1979
(entered into force on 13 April 1987)
accession: 18 December 1990, effective 18 March 1991
(source: www.cites.org/eng/parties/bonn.shtml)

Namibia has NOT agreed to the following amendment:
* Amendment to Article XXI of the Convention, Gaborone (Botswana), on 30 April 1983 (not yet in force internationally).

Vienna Convention for the Protection of the Ozone Layer, 1985
accession: 20 September 1993; effective date: 20 December 1993
(source: http://sedac.ciesin.org/)
**Montreal Protocol on Substances that Deplete the Ozone Layer, 1987**
accession: 20 September 1993; effective date: 20 December 1993

**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*
effective date: 26 October 2003 (source: [www.treaties.un.org](http://www.treaties.un.org))

**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*
(entered into force internationally on 10 November 1999)
ratification by Parliament: 19 April 2006 (source: Parliament)
effective date: 30 December 2007 (source: [www.treaties.un.org](http://www.treaties.un.org))

**Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer,**
*Beijing, 3 December 1999*
(entered into force internationally on 25 February 2002)
ratification by Parliament: 19 April 2006 (source: Parliament)
effective date: 30 December 2007 (source: [www.treaties.un.org](http://www.treaties.un.org))

**Convention on Wetlands of International Importance, especially as Waterfowl Habitat,**
*1971 (Ramsar Convention)*
effective date in respect of Namibia: 23 December 1995

**Protocol to amend the Convention on Wetlands of International Importance especially Waterfowl Habitat, 1982**
(came into force 1 October 1986)
accession: 23 December 1995

**Amendments to Article 6 and 7, 1987**
accession: 23 December 1995

**Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989**

On 31 January 1995, the Government of Egypt informed the Secretary-General that its instrument of accession should have been accompanied by three declarations, one of which concerns Namibia. These declarations, were not transmitted to the Secretary-General at the time the instrument of accession. In keeping with the depository practice followed in similar cases, the Secretary-General proposed to receive the declarations in question for deposit in the absence of any objection on the part of any of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of 90 days from the date of their circulation (i.e. 17 July 1995). However, the Secretary-General received several objections, meaning that the
declarations were not accepted for deposit. Namibia itself did not make any declarations at the time of accession.

Third Declaration

The Governments of Bahrain, Belgium, Benin, Côte d’Ivoire, Denmark, Egypt, the Federal Republic of Germany, Finland, France, the German Democratic Republic, Ghana, Greece, Hungary, Italy, Jordan, Kenya, Kuwait, Lebanon, Luxembourg, Malaysia, Malta, Namibia, Netherlands, Niger, Norway, the Philippines, Portugal, Saudi Arabia, Senegal, Sweden, Switzerland, Turkey, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland, Sweden, Switzerland, Turkey, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland, as well as the Commission of the European Union, which will sign the Convention and/or the final document referring to the Control of Transboundary Movements of Hazardous Wastes and their Disposal, (referred to hereinafter as "the Convention"),

Concerned that the transboundary movement of hazardous wastes constitutes a great danger to the health of both humans and the environment,

Considering that the developing countries have a limited ability to manage wastes, especially hazardous wastes, in an environmentally sound manner,

Believing that a reduction in the production of hazardous wastes and their disposal in environmentally sound conditions in the country which exports them must be the goal of waste management policy,

Convinced that the gradual cessation of transboundary movements of hazardous wastes will undoubtedly be a major incentive to the development of appropriate national facilities for the disposal of wastes,

Recognizing the right of every State to ban the import to or export from its territory of hazardous wastes,

Welcoming the signature of the Convention,

Believing it necessary, before applying the provisions of the Convention to impose immediate and effective control on transboundary movement operations, especially to developing countries, and to reduce them,

Declare the following:

1. The signatories to this Convention affirm their strong determination that wastes should be disposed of in the country of production.

2. The signatories to this Convention request States which accede to the Convention to do so by making every possible effort to effect a gradual cessation of the import and export of wastes for reasons other than their disposal in facilities which will be set up within the framework of regional cooperation.

3. The signatories to this Convention will not permit wastes to be imported to or exported from countries deficient in the technical, administrative and legal expertise in administering wastes and disposing of them in an environmentally sound manner.

4. The signatories to this Convention affirm the importance of assistance to develop appropriate facilities intended for the final disposal of wastes produced by countries referred to in paragraph 3 above.
5. The signatories to this Convention stress the need to take effective measures within the framework of the Convention to enable wastes to be reduced to the lowest possible level and to be recycled.

Namibia has NOT agreed to the following amendment:


**International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990**
deposit: 18 June 2007; effective date: 18 September 2007
(source: International Maritime Organisation, www.imo.org)

**Agreement for the Establishment of Southern African Centre for Ivory Marketing (SACIM), 1991**
in force in Namibia: 20 June 1991

*Note: The name SACIM was changed to the Southern African Convention for Wildlife Management (SACWM) in 1996. (source: www.art.org.uk/newsletter/1996_09_expands.html)*

**United Nations Framework Convention on Climate Change, 1992**
(entered into force internationally on 21 March 1994)
signature: 12 June 1992

**Kyoto Protocol to the UN Framework Convention on Climate Change, 1997**
(entered into force internationally on 16 February 2005)
accession approved by Parliament: 12 November 2002 (source: Parliament)
accession: 4 September 2003 (source: http://untreaty.un.org)

**Convention on Biological Diversity, 1992**
signature: 12 June 1992
ratification: 16 May 1997

**Cartagena Protocol on Biosafety, to the Convention on Biological Diversity, Montreal, 2000**
ratification approved by Parliament: 29 September 2004 (source: Parliament)
deposit: 10 February 2005; effective date: 11 May 2005 (source: http://untreaty.un.org)

**United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 1994**
signature: 24 October 1994
ratification: 16 May 1997

**Convention on the Law of the Non-Navigational Uses of International Watercourses, 1997**
signature: 19 May 2000
ratification: 29 August 2001

(entered into force internationally on 24 February 2004)
signature: 11 September 1998
deposit: 24 June 2005; effective date: 22 September 2005 (source: www.pic.int)
(entered into force on 17 May 2004)
accession: 24 June 2005; effective date: 22 September 2005 (source: http://chm.pops.int/)

(entered into force within SADC on 28 September 1998) (source: SADC)
signature: 28 August 1995 (source: SADC)
ratification: 5 June 1998 (source: SADC; Ministry of Foreign Affairs)

SADC Revised Protocol on Shared Watercourses, 2000
(entered into force within SADC on 22 September 2003) (source: SADC)
signature: 7 August 2000 (source: SADC)
ratification: 11 September 2001 (source: SADC; Ministry of Foreign Affairs)

SADC Protocol on Wildlife Conservation and Law Enforcement, 1999
(entered into force within SADC on 30 November 2003) (source: SADC)
signature: 18 August 1999 (source: SADC)
ratification: 14 January 2000 (source: SADC; Ministry of Foreign Affairs)

SADC Protocol on Forestry, 2002
(entered into force within SADC on 1 September 2006) (source: SADC)
signature: 17 August 2008
ratification approved by Parliament: 2 April 2009 (source: Parliament)
ratification: 29 April 2009 (source: SADC)

Africa Institute for the Environmentally Sound Management of Hazardous and Other Wastes Agreement, 2004
(entered into force internationally on 17 January 2008) (source: www.africainstitute.info)

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, Windhoek, 16 September 1994
effective date: 15 September 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
ratification approved by Parliament: 19 June 2001 (source: Ministry of Foreign Affairs)
letter of notification: 2 August 2001 (source: Ministry of Foreign Affairs)

SEE ALSO MARINE AND FRESHWATER RESOURCES.

FINANCE AND DEVELOPMENT

Articles of Agreement of the International Monetary Fund, 1944
accession: 25 September 1990 (source: www.imf.org/)

Agreement Establishing the African Development Bank, 1963, as amended by resolution 05-79 adopted by the Board of Governors on 17 May 1979 (concluded at Lusaka on 7 May 1982)
accession: 10 April 1994

INTERNATIONAL LAW-27
Agreement Establishing the International Fund for Agricultural Development, 1976
accession: 16 October 1992

Articles of Agreement of the International Bank for Reconstruction and Development, 1978
accession: 25 September 1990

accession: 21 February 1986

Agreement to Establish the South Centre, 1994
signature: 30 September 1994
ratification: 24 October 2000 (source: Parliament)

Treaty Establishing the African Economic Community, 1991
ratification: 20 December 1991

Agreement Establishing the NORSAD Fund and the NORSAD Agency
(Nordic-Southern African Development Community)
accession: 15 April 1992 (source: Ministry of Foreign Affairs)

Agreement for the Establishment of the African Export-Import Bank
accession: 2003 (source: Ministry of Foreign Affairs)

SADC Protocol on Finance and Investment, 2006
(entered into force within SADC 16 April 2010) (source: SADC)
signature: 18 August 2008 (source: SADC)
ratification approved by Parliament: 2 March 2010 (source: Parliament)
ratification: 16 March 2010 (source: SADC)

Note: The UN Treaty Date Base lists Namibia as a party to the following agreement by virtue of territorial application prior to independence. This may no longer have effect in independent Namibia.
* Agreement on German external debts, 1953 (territorial application as of 1 January 1954, with effect from 1 January 1954).

HEALTH

International Sanitary Regulations, 1951
territorial application: International Health Regulations Act 28 of 1974 (HEALTH)

According to the UN Treaty Data Base, this includes adoption of the following amendments:
* Additional regulations amending the International Sanitary Regulations, 1951 with respect to the sanitary control of pilgrim traffic, 1956
* Additional regulations amending the International Sanitary Regulations, 1951 in particular with respect to the Health Part of the Aircraft General Declaration, 1960
* Additional regulations amending the International Sanitary Regulations, 1951 in particular with respect to notifications, 1963
* Additional regulations amending the International Sanitary Regulations, 1951 in particular with respect to disinfecting of ships and aircraft, 1965

Constitution of the World Health Organization, 1946
definitive signature/acceptance: 23 April 1990

Amendment to article 7 of the Constitution of the World Health Organization, 1965
(not yet in force internationally)
Namibia has NOT accepted the following amendments:

* Amendments to articles 24 and 25 of the Constitution of the World Health Organization, 1959
* Amendments to articles 34 and 55 of the Constitution of the World Health Organization, 1973
* Amendments to articles 24 and 25 of the Constitution of the World Health Organization, 1976

**Commonwealth Regional Health Community for East, Central and Southern Africa**
accession: 19 December 1991 (source: Ministry of Foreign Affairs)

**Agreement for the Establishment of the African Rehabilitation Institute, 1981**
accession: 22 August 1996 (source: Ministry of Foreign Affairs)
deposit: 25 September 1996 (source: Ministry of Foreign Affairs)

**WHO Framework Convention on Tobacco Control, 2003**
(entered into force internationally on 27 February 2005)
signature: 29 January 2004
ratification approved by Parliament: 26 October 2005
deposit: 7 November 2005; effective date: 5 February 2006 (source: WHO, [www.who.int/fctc](http://www.who.int/fctc))

**International Convention against Doping In Sport, 2005**
(entered into force internationally on 1 February 2007)
deposit: 29 November 2006 (source: UNESCO, [www.unesco.org](http://www.unesco.org))

**SADC Protocol on Health, 1999**
(entered into force within SADC on 14 August 2004) (source: SADC)
signature: 18 August 1999 (source: SADC)
ratification: 10 July 2000 (source: SADC; Ministry of Foreign Affairs)

**HUMAN RIGHTS**

**Convention on the Prevention and Punishment of the Crime of Genocide, 1948**
accession: 28 November 1994

**International Convention on the Elimination of All Forms of Racial Discrimination, 1966**
accession: 11 November 1982
Namibia has NOT agreed to the following amendment, which is not yet in force internationally:

* Amendment to article 8 of the International Convention on the Elimination of all Forms of Racial Discrimination, 1992.

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

**International Covenant on Economic, Social and Cultural Rights, 1966**
accession: 28 November 1994; effective date: 28 February 1995

**International Covenant on Civil and Political Rights, 1966**
accession: 28 November 1994; effective date: 28 February 1995

*Optional Protocol to the International Covenant on Civil and Political Rights, 1966*
accession: 28 November 1994

*Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty, 1989*
accession: 28 November 1994

**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 Mwilma & 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 5971-598A;
- Alexander v Minister of Justice & Others 2009 (2) NR 712 (HC).

accession: 11 November 1982

**Convention on the Elimination of All Forms of Discrimination against Women, 1979**
accession: 23 November 1992

*Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women*
effective date: 22 December 2000 (This is the date on which the Optional Protocol came into force internationally after being ratified by the first 10 countries, one of which is Namibia. The Namibian Parliament approved the Optional Protocol on 17 May 2000.)

Namibia has NOT agreed to the following amendment, which is not yet in force internationally:

* Amendment to article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination Against Women, 1995.

**Cases:** Müller v President of the Republic of Namibia & Another 1999 NR 190 (SC) at 205E-F.

**African Charter on Human and Peoples’ Rights, 1981**
accession: 30 July 1992
deposit: 16 August 1992
(source: African and International Instruments Online, www.oneworld.org/afronet/links/banjul_ratif1.htm; Ministry of Foreign Affairs)

*Protocol to the African Charter on Human and Peoples’ Rights on the establishment of the African Court on Human and Peoples’ Rights, 1998*
(entered into force within the AU on 15 January 2004)
signature: 9 June 1998
ratification approved by Parliament: 7 November 2000 (source: Parliament)
deposit: No deposit is recorded on the African Union website. (www.africa-union.org)

Protocol to the African Charter on Human and Peoples’ Rights on the Rights of
Women in Africa, 2003
(entered into force within the AU on 25 November 2005)
signature: 9 December 2003 (source: www.africa-union.org)
ratification approved by Parliament: 8 July 2004 (source: Parliament)
deposit: 26 August 2004 (source: www.africa-union.org)
  Reservation: Namibia will not be bound by Article 6(d) until it has enacted
  legislation regarding the recording and registration of customary marriages.
  (source: Ministry of Foreign Affairs)

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).

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or
Punishment, 1984
accession: 28 November 1994

Namibia has NOT agreed to the following amendments, which are not yet in force
internationally:
  * Amendments to articles 17 (7) and 18 (5) of the Convention against Torture
  and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1992.

Cases: Namunjepo & Others v Commanding Officer, Windhoek Prison & Another
1999 NR 271 (SC) at 284H-ff.

Convention on the Rights of the Child, 1989
signature: 26 September 1990
ratification: 30 September 1990

Optional Protocol to the Convention on the Rights of the Child on the Involvement
of Children in Armed Conflict, 2000
(entered into force internationally on 12 February 2002)
signature: 8 September 2000 (source: Ministry of Foreign Affairs)
ratification: 16 April 2002 (source: UNICEF)

Note: Namibia’s ratification of this Optional Protocol was accompanied by a
declaration on the minimum recruitment age (age 18) for the Namibia Defence Force
(source: Ministry of Foreign Affairs).

Optional Protocol to the Convention on the Rights of the Child on the Sale of
Children, Child Prostitution and Child Pornography, 2000
(entered into force internationally on 18 January 2002)
signature: 8 September 2000 (source: Ministry of Foreign Affairs)
ratification: 16 April 2002 (sources: Ministry of Foreign Affairs; UNICEF)

Amendment to Article 43(2) of the Convention on the Rights of the Child adopted
by the Conference of the States Parties on 12 December 1995
(entered into force internationally on 18 November 2002)
ratification: 11 December 2001 (source: Ministry of Foreign Affairs)
(entered into force internationally on 29 November 1999)
signed: 13 July 1999
ratification approved by Parliament: 23 July 2004 (source: Parliament)
deposit: 26 August 2004 (source: www.africa-union.org)

Convention on Rights of Persons with Disabilities, 2006
(entered into force internationally on 3 May 2008)
signature: 25 April 2007 (source: www.un.org)
ratification by Parliament: 12 September 2007 (source: Parliament)
deposit: 4 December 2007 (source: www.un.org)

Optional Protocol to Convention on Rights of Persons with Disabilities, 2006
signature: 25 April 2007 (source: www.un.org)
ratification by Parliament: 12 September 2007 (source: Parliament)
deposit: 4 December 2007 (source: www.un.org)

SADC Protocol on Gender and Development, 2008
(not yet in force within SADC as of 23 June 2010) (source: SADC)
signature: 17 August 2008 (source: SADC)
ratification approved by Parliament: 7 October 2009 (source: Parliament)
SADC list of ratifications dated 23 June 2010 does not show ratification by Namibia

IMMIGRATION

SADC Protocol on the Facilitation of Movement of Persons, 2005
(not yet in force within SADC as of 23 June 2010) (source: SADC)
signature: 18 August 2005
not ratified by Namibia as of 23 June 2010 (source: SADC)

INTELLECTUAL PROPERTY

Unless otherwise indicated, the source for the information in this section is the website of the World Intellectual Property Organization (www.wipo.org/treaties).

Paris Convention for the Protection of Industrial Property, 1883, as amended in 1979
revised at Brussels (1900), Washington (1911) The Hague (1925), London (1934), Portugal (1958) and Stockholm (1967) and amended on 28 September 1979
deposit: 29 December 2003; effective date: 1 January 2004

effective date of accession: 23 December 1991

Namibia has NOT yet agreed to the following amendment:
* Amendment to Article 9(3) of the WIPO Convention, 2000 (not yet in force internationally)

Berne Convention for the Protection of Literary and Artistic Works, 1971
Berne Convention (1886), completed at Paris (1896), revised at Berlin (1908), completed at Berne (1914), revised at Rome (1928), at Brussels (1948), at Stockholm (1967) and at Paris (1971)
accession: 21 March 1990
effective date in respect of 1971 revisions (Paris): 24 December 1993
Declaration of Continuity of Berne Convention for Protection of Literary and Artistic Works
accession: 16 September 1993 (source: Ministry of Foreign Affairs)

Note: Certain provisions of Namibia’s Copyright and Neighbouring Rights Protection Act 6 of 1994 are made applicable to the countries of the Berne Copyright Union by GN 127/2001 (GG 2562).

WIPO Copyright Treaty, 1996
signature: 20 December 1996
not yet ratified by Namibia

WIPO Performances and Phonograms Treaty, 1996
signature: 20 December 1996
not yet ratified by Namibia

Madrid Agreement concerning the International Registration of Marks, 1891
accession: 31 March 2004

Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, 1989
accession: 31 March 2004

Hague Agreement concerning the International Deposits of Industrial Designs of 1925, as governed by the 1960 Act and the Geneva Act
accession: 31 March 2004

accession: 1 October 2003; effective date: 1 January 2004
Reservation: Namibia does not consider itself bound by Article 59 of the Treaty.
(source: Ministry of Foreign Affairs)

Harare Protocol on Patents and Industrial Designs within the Framework of the African Regional Industrial Property Organization, 1982
accession approved by Parliament: 28 March 2003
(source: Ministry of Foreign Affairs)

Banjul Protocol on Marks within the Framework of the African Regional Industrial Property Organization, 1993
accession approved by Parliament: 28 March 2003
(source: Ministry of Foreign Affairs)

LABOUR
Except where otherwise indicated, this data comes from the database of the Washington (USA) office of the International Labour Organisation, which is available at http://usa.ilo.org/aboutilo/convent.html

African Regional Protocol Concerning Distribution of Seats in the Governing Body of the ILO
accession: 17 October 1997 (source: Ministry of Foreign Affairs)

Instrument of Amendment of ILO, 1986
accession: 17 October 1997 (source: Ministry of Foreign Affairs)
**Instrument of Amendment of ILO, 1997**  
(not yet in force internationally as of 27 February 2003)  
ratification: 27 January 1999

**ILO Convention 29 concerning Forced Labour, 1930**  

**ILO Convention 87: Freedom of Association and the Right to Organise, 1948**  
accession: 3 January 1995

**ILO Convention 98: Right to Organise and Collective Bargaining, 1949**  
accession: 3 January 1995

**ILO Convention 105 on the Abolition of Forced Labour, 1957**  

**ILO Convention 100 on Equal Remuneration, 1951**  
accession approved by Parliament: 10 March 2010 (source: Parliament)  
accession: 6 April 2010 (source: www.ilo.org)

**ILO Convention 111: Convention concerning Discrimination (Employment and Occupation), 1958**  
accession (without protocol): 3 November 2000 (with proviso relating to “national extraction”); 23 October 2001 (with no proviso) (source: Parliament)

**ILO Convention 138 on the Minimum Age for Admission to Employment and Work, 1973**  

**ILO Convention 144: Tripartite Consultation (International Labour Standards), 1976**  
accession: 3 January 1995

**ILO Convention 150: Labour Administration, 1978**  
accession: 28 June 1996

**ILO Convention 158: Termination of Employment, 1982**  
accession: 28 June 1996

**ILO Convention 182 on the Prohibition and Immediate Elimination of the Worst Forms of Child Labour, 1999**  
ratification: 15 November 2000 (source: Ministry of Foreign Affairs)

**ILO Convention 184 and Recommendation 192 on Safety and Health in Agriculture, 2001**  
ratification: 8 November 2001 (source: Parliament)

Cases: *Namibia Development Corporation v Visagie* NLLP 1998 (1) 166 NLC  
(Article 13).

**Charter of Fundamental Social Rights in SADC, 2003**  
This Charter enters into force upon signature by member states, without ratification.  
(entered into force within SADC on 26 August 2003) (source: SADC)  
signature: 26 August 2003 (source: SADC)

**SADC Protocol on the Facilitation of Movement of Persons, 2005**  
(not yet in force within SADC as of 23 June 2010) (source: SADC)  
signature: 18 August 2005
not ratified by Namibia as of 23 June 2010 (source: SADC)

LAW


The Ministry of Foreign Affairs lists Namibia as a party to this Convention, but Namibia is not listed as a State Party on www.uncitral.org and the accession could not be located in the Parliament records.

*Hague Convention on Abolishing the Requirement of Legalisation of Foreign Public Documents, 1961*

accession: 25 April 2000

entry into force in respect of Namibia: 30 January 2001

(source: Hague Conference: www.hcch.net/)

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

Note: This is the only Hague Convention under the Hague Conference on Private International Law to which Namibia is a party. Namibia is not a member of the Hague Conference.

(source: Hague Conference: www.hcch.net/)

*United Nations Convention Against Corruption, 2003*

(entered into force 14 December 2005)

signature: 9 December 2003

ratification approved by Parliament: 28 April 2004 (source: Parliament)

deposit: 3 August 2004 (source: http://untreaty.un.org )

*African Union Convention on Preventing and Combating Corruption, 2003*

(entered into force within the AU on 5 August 2006)

signature: 9 December 2003

ratification approved by Parliament: 28 April 2004 (source: Parliament); 5 August 2004 (source: www.africa-union.org )

deposit: 26 August 2004 (source: www.africa-union.org)

*SADC Protocol on Legal Affairs, 2000*

(entered into force within SADC on 1 September 2006) (source: SADC)

signature: 7 August 2000 (source: SADC)

ratification: 2 October 2001 (source: SADC; Ministry of Foreign Affairs)

*SADC Protocol Against Corruption, 2001*

(entered into force within SADC on 6 July 2005) (source: SADC)

signature: 14 August 2001 (source: SADC)

ratification approved by Parliament: 27 April 2004 (source: Parliament)

ratification: 23 June 2005 (source: SADC)

*SADC Protocol on Extradition, 2002*

(entered into force within SADC on 1 September 2006) (source: SADC)

signature: 3 October 2002 (source: SADC)

ratification approved by Parliament: 7 November 2006 (source: Parliament)

ratification: 1 February 2007 (source: SADC)

*SADC Protocol on Mutual Legal Assistance in Criminal Matters, 2002*

(entered into force within SADC on 2 March 2004) (source: SADC)
signature: 3 October 2002 (source: SADC)  
ratification approved by Parliament: 7 November 2006 (source: Parliament)  
ratification: 1 February 2007 (source: SADC)

MARINE AND FRESHWATER RESOURCES

signature: 10 December 1982  
ratification: 18 April 1983; effective date: 16 November 1994  
(represented by the United Nations Council for Namibia as stipulated in Article 305, paragraph 1 (b), of the Convention) (source: http://sedac.ciesin.org/)

signature: 29 July 1994  
accession by means of the simplified procedure set out in articles 4 (3)(c) and 5: 16 Nov 1994  
effective date: 28 July 1996 (source: http://sedac.ciesin.org/)

signature: 19 April 1996  

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).

International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995  
(not yet in force internationally)  

(entered into force internationally on 31 May 2003)  
signature: 24 September 1999  
(not ratified by Namibia as of 20 January 2005, according to the International Seabed Authority)

Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean, 2001  
ratification: 15 November 2001 (source: www.fao.org)

accession: 29 January 2000  

SADC Protocol on Fisheries, 2001  
(entered into force within SADC on 8 August 2003) (source: SADC)  
signature: 14 August 2001 (source: SADC)  
ratification: 21 June 2002 (source: SADC; Ministry of Foreign Affairs)
METEOROLOGY

*Convention of the World Meteorological Organisation, 1947*
accession: 16 November 1993 (source: Ministry of Foreign Affairs)

*SADC Protocol on Transport, Communications and Meteorology, 1996*
(entered into force within SADC on 6 July 1998) (source: SADC)
signature: 24 August 1996 (source: SADC)
ratification: 19 September 1997 (source: SADC; Ministry of Foreign Affairs)

MINING

*SADC Protocol on Mining, 1997*
(entered into force within SADC on 10 February 2000) (source: SADC)
signature: 8 September 1997 (source: SADC)
ratification: 22 December 1998 (source: SADC; Ministry of Foreign Affairs)

*Statute of African Diamonds Producers Association, 2006*
formed on 4 November 2006

REFUGEES AND STATELESS PERSONS

*Convention relating to the Status of Refugees, 1951*
accession: 17 February 1995

*Reservation:* "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 in consideration of national security so required or make it advisable."

*Protocol relating to the Status of Refugees, 1967*
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 on 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). (United Nations Reference LA41TR/1/V-5/1)

*AU Convention Governing Specific Aspects of Refugee Problems in Africa, 1969*
accession: 2 September 1994 (source: Ministry of Foreign Affairs)
Note: The African Union website (file updated 11 November 2009) records a signature date of 11 November 2009 for Namibia, and no accession or deposit. (source: [www.africa-union.org](http://www.africa-union.org))

*Cases: S v Mushwena & Others* 2004 NR 276 (SC) (per O’Linn, AJA) refers to the “Convention relating to the Status of Refugees and Stateless Persons as Supplemented by the Protocol relating to the Status of Refugees” (confirming that Namibia acceded to the Protocol on 17 February 1995) and 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).

SANCTIONS
*United Nations Security Council Resolutions relating to Sanctions against UNITA* (see GN 59/2001, GG 2509)

National publication for information purposes of various UN Security Council Resolutions providing for sanctions against UNITA, binding on Namibia “by virtue of its membership of the United Nations”. Topics covered by the sanctions include the sale of arms, ammunition and other military equipment, as well as petroleum and petroleum products; immigration and transit by senior UNITA officials; aircraft, aircraft components and related matters; freezing of funds of UNITA and its senior officials; import of uncontrolled diamonds from Angola; mining equipment and services; vehicles, vehicle spare parts and transportation services.

**SCIENCE AND TECHNOLOGY**

*SADC Protocol on Science, Technology and Innovation, 2008*

(not yet in force within SADC as of 23 June 2010) (source: SADC)

ratiﬁcation approved by Parliament: 7 October 2009 (source: Parliament)

SADC list of ratifications dated 23 June 2010 does not show ratification by Namibia

**TOURISM**

*Charter of the Regional Tourism Organisation of Southern Africa (RETOSA), 1997*

This Charter enters into force upon signature by member states, without ratification.

(entered into force within SADC on 8 September 1997) (source: SADC)

signature: 8 September 1997 (source: SADC; Ministry of Foreign Affairs)

*SADC Protocol on the Development of Tourism, 1998*

(entered into force within SADC on 26 November 2002) (source: SADC)

signature: 14 September 1998 (source: SADC)

ratification: 13 June 2000 (source: SADC; Ministry of Foreign Affairs)

*Agreement amending the Protocol on the Development of Tourism, 2009*

(entered into force within SADC on 8 September 2009)

signature: 8 September 2009

no ratification appears to be needed

**TRADE**

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


(source: [www.cites.org/eng/parties/alphabet.shtml](http://www.cites.org/eng/parties/alphabet.shtml))

*Amendment to Article XI of the Convention, Bonn (Germany), 22 June 1979*

(entered into force on 13 April 1987)

accession: 18 December 1990, effective 18 March 1991

(source: [www.cites.org/eng/parties/bonn.shtml](http://www.cites.org/eng/parties/bonn.shtml))

Namibia has NOT agreed to the following amendment:

* Amendment to Article XXI of the Convention, Gaborone (Botswana), on 30 April 1983 (not yet in force internationally as of 20 January 2005).
(entered into force internationally on 24 February 2004)
signature: 11 September 1998
deposit: 24 June 2005; effective date: 22 September 2005 (source: [www.pic.int](http://www.pic.int))

**General Agreement on Tariffs and Trade, 1947 and GATT instruments Nos. 1, 4, 5, 6, 8, 9, 11, 13, 17 and 18**
date of succession: 21 March 1990
Namibia became a party to the General Agreement on Tariffs and Trade and the following GATT instruments by means of succession, effective as of the date of independence. Multilateral instruments relating to the General Agreement on Tariffs and Trade (protocols, declarations, etc.) which were concluded after 1 February 1955 are deposited with the Director-General of the Contracting Parties to the General Agreement on Tariffs and Trade rather than with the Secretary-General of the United Nations and are not reflected in this list.

1. Protocol of Provisional Application of the General Agreement on Tariffs and Trade, signed at Geneva on 30 October 1947
4. Protocol modifying certain provisions of the General Agreement on Tariffs and Trade, signed at Havana on 24 March 1948
5. Special Protocol modifying article XIV of the General Agreement on Tariffs and Trade, signed at Havana on 24 March 1948
6. Special Protocol relating to article XXIV of the General Agreement on Tariffs and Trade, signed at Havana on 24 March 1948
8. Protocol modifying part I and article XXIX of the General Agreement on Tariffs and Trade, signed at Geneva on 14 September 1948
9. Protocol modifying part II and article XXVI of the General Agreement on Tariffs and Trade, signed at Geneva on 14 September 1948
11. Third Protocol of Rectifications to the General Agreement on Tariffs and Trade, signed at Annecy on 13 August 1949
13. Protocol modifying article XXVI of the General Agreement on Tariffs and Trade, signed at Annecy on 13 August 1949
17. Fourth Protocol of Rectifications to the General Agreement on Tariffs and Trade, signed at Geneva on 3 April 1950
18. Fifth Protocol of Rectifications to the General Agreement on Tariffs and Trade, signed at Torquay on 16 December 1950

**Convention Establishing a Customs Co-operation Council, 1950**
accession: 1 July 1992 (source: Ministry of Foreign Affairs)

**Fourth ACP-EU Convention of Lomé**

*Protocol on the accession of three additional members of the European Union to the Fourth ACP-EU Convention of Lomé*

**African, Caribbean and Pacific (ACP) - European Union (EU) Partnership Agreement, Cotonou, 2000 (“COTONOU Agreement”)**
(came into force internationally on 1 April 2003; to eventually replace all trade arrangements made under the Fourth ACP-EU Convention of Lomé)
signature: 23 June 2000
**Treaty Establishing the African Economic Community, 1991**
signature: 3 June 1991 (source: Ministry of Foreign Affairs)
ratification: 28 June 1992 (source: Ministry of Foreign Affairs)
deposit: 1 July 1992 (source: Ministry of Foreign Affairs)

came into force within the AU on 14 December 2003 (source: www.africa-union.org)
signature: 7 May 2001
ratification approved by Parliament: 9 July 2002 (source: Parliament)
deposit: 13 August 2002 (source: www.africa-union.org)

**Common Market in East and Southern Africa (COMESA) Treaty, 1994**
signature: 5 November 1993 (never ratified) (source: Ministry of Trade and Industry)

Note: Cabinet announced that Namibia would pull out of COMESA with effect from May 2004. (See The Namibian, 16 May 2003.)

**Customs Union Agreement between South African Government, Botswana, Lesotho and Swaziland**
accession: 6 July 1990 (source: Ministry of Foreign Affairs)

**Agreement for the Establishment of Southern African Centre for Ivory Marketing (SACIM), 1991**
in force in Namibia: 20 June 1991

Note: The name SACIM was changed to the Southern African Convention for Wildlife Management (SACWM) in 1996. (source: www.art.org.uk/newsletter/1996_09_expands.html)

**SADC Protocol on Trade, 1996**
(entered into force within SADC on 25 January 2000) (source: SADC)
signature: 24 August 1996 (source: SADC)
ratification: 22 December 1998 (source: SADC; Ministry of Foreign Affairs)

**SADC Amendment Protocol on Trade, 2000**
(entered into force within SADC on 7 August 2000) (source: SADC)
signature: 7 August 2000 (source: SADC)
ratification: 4 April 2001 (source: Ministry of Foreign Affairs)
date of implementation: 4 June 2001 (source: Ministry of Foreign Affairs)
SADC list of ratifications dated 23 June 2010 does not show ratification by Namibia

**Agreement Amending Article 20 of the Protocol on Trade, 2008**
(entered into force within SADC on 17 August 2008) (source: SADC)
signature: 17 August 2008
no ratification appears to be needed

**Agreement Amending Annex VI to Protocol on Trade concerning settlement of disputes amongst member states 2007**
(entered into force within SADC on 17 August 2007) (source: SADC)
signature: 17 August 2007 (source: SADC)
no ratification appears to be needed

Note: See GN 116/2001 (GG 2548), which relates to the implementation of the SADC Protocol on trade in Namibia.
INTERNATIONAL LAW-41

International Convention on the Simplification and Harmonization of Customs Procedures, 1973
accession approved by Parliament: 9 October 2003
accession: 2004 (source: Ministry of Foreign Affairs)

International Convention on the Harmonized Commodity Description and Coding System, 1983
accession approved by Parliament: 9 October 2003
accession: 2004 (source: Ministry of Foreign Affairs)

Memorandum of Understanding between the Governments of the Republics of Botswana, Namibia and South Africa on the Development and Management of the Trans-Kalahari Corridor, 2003
signature: 3 November 2003
ratification: 21 February 2007
published in GN 193/2007 (GG 3927)
Note: Memoranda of understanding are not generally legally binding.

Free Trade Agreement between European Free Trade Association and Southern African Customs Union States, 2005
signature: 26 June 2006 (source: www.efta.int)
ratified by Parliament: 9 October 2007 (source: Parliament)
entered into force: 1 May 2008 (source: www.efta.int)

TRANSPORT

Convention on the Physical Protection of Nuclear Material, 1980
accession approved by Parliament: 26 June 2002 (source: Parliament)
accession: 2 October 2002; effective date: 1 November 2002
(sources: Ministry of Foreign Affairs; www.iaea.or.at/worldatom/Documents/Legal/cppn_status.pdf)

SADC Protocol on Transport, Communications and Meteorology, 1996
(entered into force within SADC on 6 July 1998) (source: SADC)
signature: 24 August 1996 (source: SADC)
ratification: 19 September 1997 (source: SADC; Ministry of Foreign Affairs)

Aviation

Convention on International Civil Aviation of 7 December 1944
accession: 30 April 1991, effective 30 May 1991
(source: International Civil Aviation Organization)

acceptance: 30 May 1991 (source: International Civil Aviation Organization)

Protocol on the Authentic Quadrilingual Text of the Convention, Montreal 1977
acceptance: 2 November 2000 (source: Parliament); effective: 19 October 2001
(source: International Civil Aviation Organization)

Protocol relating to an Amendment to the Convention (Final Clause, Russian Text), Montreal, 1977
ratification: 2 November 2000, deposited 27 September 2001
(source: International Civil Aviation Organization)
Protocol relating to an Amendment to the Convention (Article 56), Montreal, 1989
ratification: 2 November 2000, deposited 27 September 2001
(source: International Civil Aviation Organization)

Protocol relating to an Amendment to the Convention (Article 50(a)), Montreal, 1990
ratification: 2 November 2000, deposited 27 September 2001
(source: International Civil Aviation Organization)

Protocol on the Authentic Quinquilingual Text of the Convention, Montreal, 1995
acceptance: 2 November 2000 (source: Parliament)
effective: 19 October 2001 (source: International Civil Aviation Organization)

Protocol relating to an Amendment to the Convention (Final Clause, Arabic Text), Montreal, 1995
(not yet in force internationally as of 20 January 2005)
ratification: 2 November 2000, deposited 27 September 2001
(source: International Civil Aviation Organization)

Protocol on the Authentic Six-Language Text of the Convention, Montreal, 1998
(not yet in force internationally as of 20 January 2005)
acceptance: 2 November 2000 (source: Parliament)
effective: 19 October 2001 (source: International Civil Aviation Organization)

Protocol relating to an Amendment to the Convention (Final Clause, Chinese Text), Montreal, 1998
(not yet in force internationally as of 20 January 2005)
ratification: 2 November 2000 (source: Parliament)
deposited: 5 November 2001 (source: International Civil Aviation Organization)

Annex 16 to the Convention on International Civil Aviation, Environmental Protection, Volume I — Aircraft Noise, Chicago, 1944
effective date in respect of Namibia: 30 May 1991

Convention for the Unification of Certain Rules relating to International Carriage by Air, 1999
(came into force internationally on 4 November 2003)
(sources: Parliament; International Civil Aviation Organization)

African Civil Aviation Commission Constitution, 1969
signature: 21 February 2002
ratification approved by Parliament: 12 March 2002
deposit: 10 May 2002 (source: www.africa-union.org)

Constitution for the African Civil Aviation Commission (AFCAC)-revised version, 2009
(entered into force within the AU on 23 October 2009, superseding the African Civil Aviation Commission Constitution, 1969) (source: www.africa-union.org)

Agreement on the Establishment of the African Civil Aviation Agency, DATE
Roads and road transportation

Convention on Road Traffic, 1949
succession: 13 October 1993

SACU Memorandum of Understanding on Road Transportation
Note: SADC memoranda of understanding are non-binding.

Memorandum of Understanding between the Governments of the Republics of Botswana, Namibia and South Africa on the Development and Management of the Trans-Kalahari Corridor, 2003
signature: 3 November 2003
ratification: 21 February 2007
published in GN 193/2007 (GG 3927)
Note: Memoranda of understanding are not generally legally binding.

Bilateral Road Transport Agreement (Namibia and Zimbabwe)
ratification: 17 February 2000 (Proc. 7/2000, GG 2359)
Note: This index does not generally list bilateral agreements, but includes this one since it was gazetted in Namibia.

Shipping and maritime

accession approved by Parliament: 6 November 2007 (source: Parliament)
deposit not registered with Comite Maritime International as of 2009
(source: www.comitemaritime.org)

Convention on the International Maritime Organization, 1948
accession: 27 October 1994

On 27 October 1994, the UN also received instruments of acceptance in respect of Namibia for the following:
* 1964 amendments to articles 17 and 18
* 1965 amendment to article 28 of the Convention
* 1974 amendments to articles 10, 16, 17, 18, 20, 28, 31 and 32 of the Convention
* 1975 amendments to the title and substantive provisions of the Convention
* 1977 amendments to the Convention relating to the institutionalisation of the Committee on technical co-operation in the Convention
* 1979 amendments to articles 17, 18, 20 and 51 of the Convention

Namibia subsequently accepted the following:
* 1991 amendments to the IMO Convention relating to the institutionalisation of the Facilitation Committee in the Convention (not yet in force internationally as of 31 March 2003) (acceptance: 28 November 2000)
**International Convention for the Unification of Certain Rules relating to the arrest of Sea-Going Ships, 1952**
accession: 13 June 2001 (source: Parliament)

**International Convention on Load Lines, 1966**
accession approved by Parliament: 13 June 2001 (source: Parliament)
deposit: 22 February 2002; effective date: 22 May 2002
(source: International Maritime Organization, [www.imo.org](http://www.imo.org))

*1988 Protocol (adoption of tacit amendment procedure)*
accession: 22 February 2002; effective date: 22 May 2002
(source: International Maritime Organisation, [www.imo.org](http://www.imo.org))

**International Convention on Tonnage Measurement of Ships, 1969**
accession: 27 November 2000; effective date: 27 February 2001
(source: International Maritime Organization, [www.imo.org](http://www.imo.org))

**International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, as amended by the 1973 Protocol**
accession approved by Parliament: 6 March 2002 (source: Parliament)
deposit: 12 March 2004; effective date: 10 June 2004
(source: International Maritime Organization, [www.imo.org](http://www.imo.org))

**International Convention on Civil Liability for Oil Pollution Damage, 1969, as replaced by the 1992 Protocol, as amended in 2000**
accession approved by Parliament: 9 October 2001 (source: Parliament)
deposit: 18 December 2002; effective date: 18 December 2003
(source: International Maritime Organisation, [www.imo.org](http://www.imo.org))

**International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, as replaced by the 1992 Protocol**
accession approved by Parliament: 9 October 2001 (source: Parliament)
deposit: 18 December 2002; defective date: 18 December 2003
(source: International Maritime Organisation, [www.imo.org](http://www.imo.org))

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

**International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto**
accession approved by Parliament: 9 October 2001 (source: Parliament)
deposit: 18 December 2002; effective date: 18 March 2003
(source: International Maritime Organisation, [www.imo.org](http://www.imo.org))

Note: Namibia has also acceded to Annexes I/II (Prevention of Pollution by Oil/Control of Pollution by Noxious Liquid Substances), III (Prevention of Pollution by Harmful Substances in Packaged Form) and V (Prevention of Pollution by Garbage from Ships), but has NOT acceded to Annex IV (Prevention of Pollution by Sewage from Ships) or the 1997 Protocol adding Annex VI (Prevention of Air Pollution from Ships). (source: International Maritime Organisation, [www.imo.org](http://www.imo.org))

**International Convention for the Safety of Life at Sea, 1974 (as amended)**
accession: 27 November 2000; effective date: 27 February 2001
(source: International Maritime Organization, [www.imo.org](http://www.imo.org))
Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, as amended
accession: 27 November 2000; effective date: 27 February 2001
(source: International Maritime Organization, www.imo.org)

Namibia is NOT a party to the following protocol:

* Protocol of 1988 relating to the Harmonized System of Surveys and Certification

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978
accession approved by Parliament: 28 February 2002 (source: Parliament)
deposit: 24 January 2005; effective date: 24 April 2005
(source: International Maritime Organization, www.imo.org)

International Convention on Maritime Search and Rescue, 1979
deposit: 12 March 2004; effective date: 11 April 2004
(source: International Maritime Organization, www.imo.org)

accession approved by Parliament: 22 April 2003
deposit: 10 July 2004; effective date: 18 October 2004
(source: International Maritime Organization, www.imo.org)

Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 1988
deposit: 7 September 2005; effective date: 6 December 2005
(source: International Maritime Organization, www.imo.org)

International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
deposit: 18 June 2007; effective date: 18 September 2007
(source: International Maritime Organisation, www.imo.org)

(not yet in force internationally)
Namibia reportedly signed in 2007, but no ratification is recorded.

International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995
(not yet in force internationally)

Multilateral Agreement between Governments of Angola, Comoros, Madagascar, Mozambique, Namibia, and South Africa on Coordination of Maritime Search and Rescue Services, 2007
ratification approved by Parliament: 27 June 2007 (source: Parliament)

WEIGHTS, MEASURES AND STANDARDS
Memorandum of Understanding on Co-operation in Standardization, Quality Assurance, Accreditation and Metrology in SADC, 1999

signed: 9 November 1999 (source: Ministry of Foreign Affairs)

Note: SADC Memoranda of Understanding are non-binding.