

Country/entity	Namibia South Africa
Region	Africa (excl MENA)
Agreement name	Agreement on the Joint Administration of Walvis Bay and the Off-Shore Islands
Date	9 Nov 1992
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Interstate/intrastate conflict(s) Post Apartheid South Africa and Namibian Independence (1990 - 1994) South Africa – internal. The roots of the modern South African conflict are found in the British and Dutch colonization of Southern Africa, which resulted in the introduction of a white minority who soon held power in the region. The South African state emerged following a hard-fought pact between the British government and the white Afrikaner minority. ‘Apartheid’ – the Afrikaans word for separateness – became official government policy after 1948. Resistance to this system was widespread and took diverse forms. In 1912, the African National Congress (ANC) was formed to push for reforms in the country. After the 1960 Sharpeville massacre several organisations around the ANC took up arms and began to fight the Apartheid government using violent means. During the 1980s, President P.W. Botha introduced a reform policy that enabled the post-1990 peace agreements, which paved the way for the end of the apartheid system. South Africa- Namibia. One set of agreements relates to the independence of Namibia which followed from the end of apartheid. Close Post Apartheid South Africa and Namibian Independence (1990 - 1994)
Stage	Framework/substantive - partial
Conflict nature	Territory
Peace process	South Africa - Namibia process
Parties	FOR AND ON BEHALF OF THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA; FOR AND ON BEHALF OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA;
Third parties	-
Description	The agreement contains the establishment of a Joint Administrative Authority of Walvis Bay and the Off-Shore Islands.

Agreement document [NA_ZA_921109_AgreementJointAdministrationWalvisBay.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** No specific mention.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

**Refugees/displaced
persons** No specific mention.

Social class No specific mention.

Gender

**Women, girls and
gender** No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision [Summary]
The entire agreement deals with the establishment of a e Joint Administration of Walvis Bay and the Off-Shore Islands. It outlines the body's functions, procedures and the role of the chief executive officers. Furthermore, a management committee in equal representation of the contracting parties shall be established. The agreement shall enter into force upon signature. For detailed provisions on rights and citizenship, please see categories 'human rights' and 'citizenship'.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society No specific mention.

**Traditional/
religious leaders** No specific mention.

**Public
administration** No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing

Power sharing→Political power sharing→General State level

Summary: The entire agreement provides for the establishment of a joint administrative authority in this interstate agreement. For details please see 'cross-border provisions'.

Power sharing→Political power sharing→Executive coalition State level

ARTICLE 1 Establishment of Joint Administration The Contracting Parties hereby establish the Joint Administration of Walvis Bay and the Off-Shore Islands (hereinafter referred to as "Walvis Bay"), as an interim arrangement pending an eventual settlement of the aforesaid question.

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

ARTICLE 3 Functions of the Joint Administrative Authority 1) The Joint Administrative Authority shall administer Walvis Bay in the best interests of its inhabitants within the mandate provided by the Contracting Parties in accordance with the Agreed Minutes of the Second Meeting of the Joint Technical Committee on Walvis Bay and the Off-Shore Islands held in Windhoek on 26 March 1992 and approved by the Contracting Parties on 21 August 1992. 2) The Joint Administrative Authority shall commence with all those functions identified by it and agreed upon by the Contracting Parties. 3) Those functions that the Joint Administrative Authority may not currently consider susceptible to joint administration be continuously reviewed with a view to possible inclusion within its ambit. 4) The Joint Administrative Authority shall have consultative competence in respect of those functions which are currently not considered susceptible to joint administration. 5) The Joint Administrative Authority shall adopt and recommend budgets for approval by the Contracting Parties. 6) The Joint Administrative Authority shall approve plans, programmes, its administrative regulations and the like. 7) The Joint Administrative Authority shall submit periodic reports to the Contracting Parties. 8) The Joint Administrative Authority shall suggest necessary measures to the Contracting Parties to give effect to this Agreement. 9) The Joint Administrative Authority shall perform any other function that may be assigned to it by the Contracting Parties.

ARTICLE 4 Procedures of the Joint Administrative Authority 1) The Joint Administrative Authority shall establish its Rules of Procedure. 2) The Rules of Procedure of the Joint Administrative Authority shall be governed by the principle of consensus.

ARTICLE 5 Chief Executive Officers 1) Each Contracting Party shall appoint a Chief Executive Officer (hereinafter referred to as the "CEO"). 2) The CEO's shall be accountable to the respective Contracting Parties. 3) The CEO's shall have the following functions: a) subject to the principle of accountability to the Contracting Parties, to develop overall policies and to oversee the implementation thereof. b) to suggest necessary measures to the Contracting Parties to give effect to this Agreement; c) to jointly be the heads of the Joint Administrative Authority; d) to prepare and submit responses to the Contracting Parties; e) to convene and co-chair the meetings of the Management Committee; f) to perform any other function that may be assigned to them by the Contracting Parties.

ARTICLE 6 Management Committee 1) The Management Committee shall be established in equal representation of the Contracting Parties and shall be co-chaired by the CEO's. 2) The Management Committee shall consist of four (4) persons on each side appointed by the Contracting Parties. 3) The Management Committee shall perform such functions as may be assigned to it by the CEO's.

Territorial power sharing	No specific mention.
Economic power sharing	Power sharing→Economic power sharing→Sharing of resources ARTICLE 7 Budgetary and Administrative Provisions 1) Each of the Contracting Parties shall be responsible for the remuneration and other terms and conditions of service of its officials appointed to perform functions for the Joint Administrative Authority. 2) The Contracting Parties shall share revenue accruing from and expenditure incurred in respect of activities related to joint administration.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	Page 3, Article 8, Individual Rights and Freedoms, The principle of individual rights and freedoms of all persons in Walvis Bay shall be adhered to in the joint administration of Walvis Bay.
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Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights Human rights and equality→Socio-economic rights→Property
Page 3, Article 10, Private Property Rights,
The rights concerning the ownership of property, including those relating to acquisition, use, disposal, inheritance and compensation for lawful expropriation shall be protected.

Rights related issues

Citizenship Rights related issues→Citizenship→Citizens, specific rights
Page 3, Article 9, Citizenship,
The residents of Walvis Bay shall have the right, within the limits of the law, to retain or change citizenship of the country that has officially granted them such citizenship.
Rights related issues→Citizenship→Citizen delimitation
Page 3, Article 9, Citizenship,
The residents of Walvis Bay shall have the right, within the limits of the law, to retain or change citizenship of the country that has officially granted them such citizenship.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

**Intelligence
services** No specific mention.

**Parastatal/rebel
and opposition
group forces** No specific mention.

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement	No specific mention.
International mission/force/similar	No specific mention.
Enforcement mechanism	No specific mention.
Related cases	No specific mention.
Source	International Legal Materials Vol. 32, No. 4 (JULY 1993), pp. 1152-1158
