

No. 50302*

**South Africa
and
Namibia**

Agreement between the Government of the Republic of South Africa and the Government of the Republic of Namibia on cooperation in the field of health. Windhoek, 5 August 2008

Entry into force: *5 August 2008 by signature, in accordance with article 9*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *South Africa, 11 December 2012*

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**Afrique du Sud
et
Namibie**

Accord relatif à la coopération entre le Gouvernement de la République sud-africaine et le Gouvernement de la République de Namibie dans le domaine de la santé. Windhoek, 5 août 2008

Entrée en vigueur : *5 août 2008 par signature, conformément à l'article 9*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 11 décembre 2012*

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[ENGLISH TEXT – TEXTE ANGLAIS]

PREAMBLE

The Government of the Republic of South Africa and the Government of the Republic of Namibia, (hereinafter jointly referred to as the “Parties” and separately as a “Party”);

MINDFUL of the SADC Protocol on Health and the Africa Health Strategy: 2007-2015;

RECOGNISING the significance and importance of cooperation between neighbouring countries in promoting health particularly in common border areas and beyond;

WILLING to contribute to establish and develop a diversified relationship in the field of health, in the spirit of solidarity and friendship between the Parties;

BEING AWARE of the importance of health development for the future of the Parties; and

ACKNOWLEDGING the mutual advantages that may result from this Agreement;

HEREBY AGREE as follows:

ARTICLE 1
DEFINITIONS

In this Agreement, unless the context otherwise indicates –

(a) "**health professional**" means a person who is registered with a statutory health professional body in terms of the domestic law in force in the

territories of the Parties and who has significant skill, experience or knowledge in a particular field or activity related to human health;

- (b) **"twinning between public institutions"** means the pairing of public institutions, including hospitals with similar functions and areas of speciality, in the two countries for purposes of implementation of this Agreement;
- (c) **"subsidiary agreement"** means an Agreement between South Africa and Namibia in respect of projects, which may be entered into by means of an Exchange of Notes.

ARTICLE 2 SCOPE OF AGREEMENT

The Parties shall promote, develop and increase co-operation in the field of health within their respective jurisdictions by exploring the possibilities for co-operation on the basis of equality and mutual benefit.

ARTICLE 3 COMPETENT AUTHORITIES

The Competent Authorities responsible for the implementation of this Agreement shall be –

- (a) in the case of the Republic of South Africa, the National Department of Health or otherwise represented by the High Commission of the Republic of South Africa in the Republic of Namibia; and
- (b) in the case of the Republic of Namibia, the Ministry of Health and Social Services or otherwise represented by the High Commission of the Republic of Namibia in the Republic of South Africa.

ARTICLE 4
AREAS OF CO-OPERATION

- (1) Co-operation between the Parties shall take place in the following areas:
 - (a) research on and control of HIV and AIDS and malaria;
 - (b) technical professional education and training of health professionals;
 - (c) technical support to hospitals in the Republic of Namibia in the areas of management and health technology;
 - (d) sharing experiences regarding the creation of conditions for the application of telemedicine and telehealth;
 - (e) health promotion;
 - (f) research and development;
 - (g) surveillance, control and management of communicable and non-communicable diseases;
 - (h) transfer of patients to and back from South Africa;
 - (i) twinning of public institutions;
 - (j) health legislation and regulations;
 - (k) mutual assistance in the coordination and management of disaster and/or emergency situations; and
 - (l) joint cross-border activities to prevent, manage, and/or control diseases.

- (2) The named areas shall not exclude other fields of co-operation after agreement by the Parties.

ARTICLE 5
FORMS OF CO-OPERATION

- (1) The Parties shall co-operate by –
 - (a) exchanging health professionals for purposes of sharing new techniques and technologies;

- (b) exchanging training and education programmes as may be agreed upon by the Parties;
 - (c) exchanging, disseminating and sharing information on health issues in areas of common interest;
 - (d) creating partnerships between health institutions and organisations of the Parties;
 - (e) exchanging results of and/or collaboration on biomedical and health system research;
 - (f) promoting twinning between public institutions, including hospitals;
 - (g) exchanging or sharing experiences and/or best practices related to health systems, health programmes, and health services; and
 - (h) participation in international health events organized by any of the Parties.
- (2) The above stated shall not exclude other forms of co-operation after agreement by the Parties.
- (3) The Parties shall exchange appraisal and evaluation missions from their respective countries to study, analyse and identify projects in the areas referred to in Article 4.
- (4) The Government of the Republic of Namibia undertakes to bear all costs with regard to treatment and hospitalization of patients referred to the Republic of South Africa, including any travel and accommodation expenses.
- (5) Patients referred to hospitals in the Republic of South Africa shall comply with the domestic law in force in the Republic of South Africa regarding entry into and staying within the Republic of South Africa.

**ARTICLE 6
PROJECTS**

In support of this Agreement, the Parties may conclude subsidiary agreements in respect of specific projects involving components of the areas of co-operation referred to in Article 4 and forms of co-operation referred to in Article 5.

**ARTICLE 7
SETTLEMENT OF DISPUTES**

Any dispute between the Parties arising out of the implementation, application or interpretation of this Agreement shall be settled amicably through consultation and negotiations between the Parties.

**ARTICLE 8
AMENDMENT**

This Agreement may be amended through an Exchange of Notes between the Parties through the diplomatic channel.

**ARTICLE 9
ENTRY INTO FORCE, DURATION AND TERMINATION**

- (1) This Agreement shall enter into force on the date of signature thereof by the Parties.
- (2) This Agreement shall remain in force for a period of five years, whereafter it shall be renewed by tacit agreement for further periods of five years, unless terminated in accordance with sub-Article (3).

- (3) This Agreement may be terminated by either Party giving six months' written notice in advance through the diplomatic channel to the other Party of its intention to terminate it.
- (4) The termination of this Agreement by either Party shall not affect the completion of any project undertaken by the Parties prior to the termination thereof, or the full execution of any co-operative activity that has not been fully executed at the time of termination, unless otherwise agreed upon in writing by the Parties.

ARTICLE 10
SUPPLEMENTARY AGREEMENTS

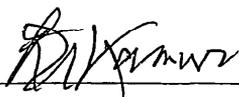
- (1) For purposes of the implementation of this Agreement, the Parties agree that institutions from the respective countries may enter into subsidiary agreements which must adhere to the provisions of this Agreement.
- (2) The agreements referred to in sub-Article (1) shall be approved by the Parties.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement in duplicate in the English language, both texts being equally authentic.

DONE at WINDHOEK on this 5th day of AUGUST.....2008.



**FOR THE GOVERNMENT OF
THE REPUBLIC OF
SOUTH AFRICA**



**FOR THE GOVERNMENT OF
THE REPUBLIC OF
NAMIBIA**