

No. 45357*

**Germany
and
Namibia**

Agreement between the Government of the Republic of Namibia and the Government of the Federal Republic of Germany concerning cultural co-operation (with arrangement). Windhoek, 5 June 1991

Entry into force: *28 January 1994, in accordance with article 11*

Authentic texts: *English and German*

Registration with the Secretariat of the United Nations: *Germany, 1 October 2008*

**Allemagne
et
Namibie**

Accord de coopération culturelle entre le Gouvernement de la République de Namibie et le Gouvernement de la République fédérale d'Allemagne (avec arrangement). Windhoek, 5 juin 1991

Entrée en vigueur : *28 janvier 1994, conformément à l'article 11*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat des Nations Unies : *Allemagne, 1er octobre 2008*

* *The texts reproduced below are the original texts of the agreement as submitted. For ease of reference, they were sequentially paginated. Their final UNTS version is not yet available.*

Les textes reproduit ci-dessous sont les textes authentiques de l'accord tel que soumises pour l'enregistrement. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Leur version finale RTNU n'est pas encore disponible.

[ENGLISH TEXT – TEXTE ANGLAIS]

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Ref. PE/58

5th June 1991

Enquiries:

The Ministry of Foreign Affairs of the Republic of Namibia presents its compliments to the Embassy of the Federal Republic of Germany, and has the honour to refer to the latter's Note Verbale VN 48/91 Ku 600.51 of 5 June 1991, and to inform the Embassy that the Government of the Republic of Namibia agrees to the proposals contained in paragraphs 1 to 9 thereof.

Furthermore, the Ministry of Foreign Affairs has the honour to inform the Embassy of the Federal Republic of Germany that this replying Note together with the Embassy's initiating Note, the contents of which are quoted below, constitute an Arrangement between the Government of the Republic of Namibia and the Government of the Federal Republic of Germany on Articles 2 and 3 of the Agreement of 5 June 1991 between the two Governments concerning Cultural Co-operation.

The Arrangement enters into force on the date of entry into force of the Agreement of 5 June 1991 concerning Cultural Co-operation.

1. In accordance with the Agreement between the Government of the Republic of Namibia and the Government of the Federal Republic of Germany concerning Cultural Co-operation, this Arrangement shall apply to the cultural institutions referred to in Article 2 (2) of the Agreement and to their experts or other experts who are seconded or provided within the framework of co-operation between the two countries in the fields of culture, education, science or sport and who are employed as advisers, researchers, scientists or scholars, professors, teachers, lecturers or administrative staff

- at the German Private High School in Windhoek;
- at the Namibian-German Foundation and the branch of the Goethe Institute still to be established in Windhoek;

All official correspondence must be addressed to the Permanent Secretary

- as lecturers, teachers, scientists or scholars seconded to universities and other scientific institutions of the Republic of Namibia by the German Academic Exchange Service;
- as educational advisers and other teachers provided by the Zentralstelle für das Auslandsschulwesen (Central Office for Schools Abroad) in Cologne;
- at other cultural institutions designated in arrangements to be concluded by an exchange of Notes between the contracting parties.

2. The contracting parties shall, within the scope of the applicable legislation, grant exemption from customs duties, taxes and other charges for items (e.g. official vehicles, technical equipment, furniture, exposed films, books, periodicals, audio-visual material) which are imported for the other contracting party's public cultural institutions designated in paragraph 1 above.

3. The experts referred to in paragraph 1 above and members of their families shall be granted the exemptions and facilities specified in Article 5 of the Agreement of 18 April 1991 between the Government of the Republic of Namibia and the Government of the Federal Republic of Germany concerning Technical Co-operation; in this respect

- a) the Government of the Republic of Namibia shall permit the seconded experts and members of their families to enter and leave Namibia unhindered at any time;
- b) the Government of the Republic of Namibia shall levy no taxes or other public charges on payments made from funds of the Government of the Federal Republic of Germany to seconded experts;
- c) the Government of the Republic of Namibia shall permit the experts seconded by the various institu-

tions as well as members of their families to import and export during their stay, duty- and tax-free and without providing security, articles intended for their personal use; such articles shall include for each household one motor vehicle, one refrigerator, one deep-freeze, one washing-machine, one cooker, one television set, one video-recorder, one radio, one record-player, one tape-recorder, one typewriter and small electrical appliances, as well as for each person one air-conditioner, one fan and one set of photographic and film equipment.

The expert shall also be permitted, upon substantiated application, to replace, duty- and tax-free, any imported items that have become obsolete.

The items imported duty- and tax-free may not be transferred or sold in Namibian territory until the suspended duties and taxes have been paid;

d) the Government of the Republic of Namibia shall permit the experts referred to in paragraph 1 above to import for their personal requirements medicaments, foodstuffs, beverages and other expendable goods; these products shall be subject to import duties and taxes;

e) the Government of the Republic of Namibia shall issue to the experts referred to in paragraph 1 above and to members of their families, free of charge and without requiring security, any necessary visas as well as work and residence permits.

The provisions of sub-paragraphs (a) and (e) above shall also apply to experts, scientists or scholars and individuals engaged in cultural activities who stay only briefly in the host country within the framework of cultural relations between the two countries. These persons shall be permitted to import and export, duty- and tax-free and without providing security, their luggage as well as any materials and equipment needed for the performance of their assignment.

4. The Government of the Federal Republic of Germany intends to further promote the work of the German Private High School in Windhoek. The school is open to all sectors of the population. It is intended as a place of cultural and intellectual exchange, which will play a substantial part in the Namibian secondary school system.

The Government of the Republic of Namibia shall make every effort to support the work of the German Private High School in Windhoek and to preserve its special character as a German-language private school.

5. The Government of the Federal Republic of Germany shall strive to open a branch of the Goethe Institute in Windhoek as soon as possible, whose main task shall be to promote cultural co-operation and foster the German language.

Until such time as a branch of the Goethe Institute is opened, its tasks will be performed as far as possible by the Namibian-German Foundation for Cultural Co-operation.

6. In the event that a branch of the Goethe Institute is established in Namibia, the following shall apply:

a) to perform its functions in Namibia, the branch of the Goethe Institute shall maintain premises in the Republic of Namibia, enjoying the special protection of the relevant authorities of the Republic of Namibia;

b) the branch of the Goethe Institute shall, within the scope of the applicable legislation, be exempt from taxes on the renting, purchase or construction of its premises;

c) . free access to the activities and language courses of the branch of the Goethe Institute as well as the free use of films, books, periodicals and audio-visual material at the branch premises shall be guaranteed;

d) the revenue obtained by the branch of the Goethe Institute from its language courses and activities shall be exempt from taxes and other public charges.

7. The exemptions under paragraphs 3 and 6 above shall be granted if the diplomatic mission of the second contracting party confirms that the conditions for exemption are in fact met.

8. During their stay in the territory of the other contracting party, the experts and members of their families shall

a) be granted in times of national or international crisis the same facilities for repatriation as are granted to foreign experts by the two Governments in conformity with the applicable laws;

b) be granted the rights existing under general international law in the event of their property being damaged or lost owing to public disturbance.

9. Facilities of an administrative nature, such as the issue of an identity card, shall be agreed upon in separate exchanges of Notes with due regard for the conditions prevailing in each country.

The Ministry of Foreign Affairs of the Republic of Namibia avails itself of this opportunity to renew to the

Embassy of the Federal Republic of Germany the assurances of its highest consideration.

Agreement between the Government of the Republic of Namibia and the Government of the Federal Republic of Germany concerning Cultural Co-operation

The Government of the Republic of Namibia and the Government of the Federal Republic of Germany, desiring to intensify the cultural and scientific relations existing between their peoples, convinced that cultural exchanges will promote co-operation between them and an understanding of the culture, intellectual activities and way of life of the people of the other country, have agreed as follows:

Article 1

Both contracting parties shall endeavour to improve mutual knowledge of the culture of their countries and to assist each other in achieving this aim.

Article 2

(1) The contracting parties shall, within the framework of their applicable legislation and on terms to be agreed upon by them, facilitate and promote in their own country the establishment and activities of cultural institutions of the other contracting party.

(2) Cultural institutions within the meaning of paragraph 1 above are, in particular, cultural institutes, general and vocational schools and non-school educational establishments, libraries and similar scientific and cultural institutions. Individuals who are seconded or provided for official assignments in the scientific, cultural or educational sphere shall have the same status as the seconded experts of these institutions.

(3) The contracting parties shall, in accordance with their applicable legislation, afford the seconded experts of the said institutions and the individuals given the same status under paragraph 2 above as well as the members of their

families such facilities with regard to their entering and leaving the country, the importation and exportation of their household effects and the issue of work and residence permits as are necessary for the performance of their tasks.

(4) The contracting parties shall endeavour, in so far as the applicable national laws and regulations permit, to grant exemption from taxes and other charges applicable to the persons and institutions referred to in paragraph 1 to 3 above.

(5) The status of the cultural institutions referred to in paragraphs 1 and 2 above and of the experts seconded or provided by the contracting parties for official assignments within the framework of cultural co-operation shall be dealt with in a separate arrangement.

Article 3

In the field of science and education, including universities and other institutions of higher education, general and vocational schools, organisations and institutions of non-school vocational training and adult education, school and vocational training authorities as well as other educational and research institutions, the contracting parties shall, with a view to encouraging co-operation in all its forms, endeavour to

1. support mutual visits by delegations for information purposes and to exchange experience;
2. support the exchange of scientists and scholars, university administrators, teachers, instructors, students, pupils and trainees for information, study, research and training purposes;
3. promote the exchange of scientific and educational literature, teaching aids, information and demonstration material and instructional films as well as the organisation of relevant specialised exhibitions;
4. promote relations between the universities and other institutions of higher education of the two countries and between other cultural and scientific institutions.

Article 4

The contracting parties shall to the extent possible award basic training, further training and research scholarships for qualified students, scientists and scholars of the other contracting party, provided that the requirements are met.

Article 5

The contracting parties shall endeavour to encourage the study of the language, culture and literature of the other country.

Article 6

In order to impart a better knowledge of the art, literature and related fields of the other country, the contracting parties shall, on the basis of reciprocity, endeavour to carry out appropriate measures and assist each other as far as possible, in particular

1. with regard to the arrangement of performances by visiting artists and ensembles, of concerts and plays, as well as other artistic performances;
2. in the organisation of exhibitions and lectures;
3. in the organisation of mutual visits by representatives of the various spheres of cultural life, in particular literature, music, the performing and fine arts, in the development of co-operation, exchanges of experience and participation in congresses and similar events;
4. in fostering contacts in the fields of publishing, libraries, archives and museums, and in the exchange of specialists and material;
5. in the publication of translations of belletristic, scientific and technical literature.

Article 7

The contracting parties shall as far as possible support co-operation between their respective film, television and radio broadcasting corporations as well as the production and exchange of films and other audiovisual media which may serve the purposes of this Agreement.

Article 8

The contracting parties shall endeavour to promote youth exchanges as well as cooperation between youth organisations and institutions of non-school youth education.

Article 9

The contracting parties shall encourage meetings between sportsmen, sportswomen, coaches, officials and sports teams from their countries and endeavour to foster co-operation in the field of sports (not least at schools, universities and other institutions of higher education).

Article 10

As necessary or upon the request of one of the contracting parties, the representatives of the contracting parties shall meet alternately in the two countries in order to review the exchanges that have been carried out under this Agreement and to draw up recommendations for further cultural co-operation.

Article 11

Agreement shall enter into force on the date on which the contracting parties have notified each other that their respective national requirements for the entry into force of this Agreement have been fulfilled.

Article 12

This Agreement shall be valid for a period of five years and shall be tacitly extended for successive five-year periods unless it is denounced in writing by either contracting party giving six months' notice.

Done at Windhoek on 5 June 1991 in duplicate in the English and German languages, both texts being equally authentic.

For the Government of the Republic of Namibia:

For the Government of the Federal Republic of Germany: