



## **AGREEMENT AMENDING THE TREATY OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY**

### **PREAMBLE**

**We, the Heads of State or Government of:**

**The Republic of Angola  
The Republic of Botswana  
The Democratic Republic of the Congo  
The Kingdom of Lesotho  
The Republic of Malawi  
The Republic of Mauritius  
The Republic of Mozambique  
The Republic of Namibia  
The Republic of Seychelles  
The Republic of South Africa  
The Kingdom of Swaziland  
The United Republic of Tanzania  
The Republic of Zambia  
The Republic of Zimbabwe**

**BEARING in mind that the transformation of the Southern African Coordination Conference (SADCC) into the Southern African Development Community (SADC) in 1992 marked a significant step towards deeper and higher levels of cooperation among countries of the Region;**

**NOTING that SADC has over the years experienced an increase in its membership, areas of cooperation and in the size of its SADC Programme of Action;**

**RECOGNIZING that the growth referred to in the preceding preambular paragraph has brought with it new challenges to the integration process, given the different levels of development among the Member States;**

**NOTING that whilst SADC has recorded some remarkable achievements, difficulties and constraints have also been encountered;**

**RECOGNIZING that the transformation of SADCC into SADC was not accompanied by the required institutional reforms;**

**BEARING in mind the lack of synergy between the objectives and strategies of the Treaty on one hand and the existing SADC Programme of Action and the institutional structure on the other;**

**RECOGNIZING that certain provisions of the Treaty require amendment;**

**HAVE AGREED, pursuant to Article 36 of the Treaty, to amend the Treaty as follows:**

#### **ARTICLE 1**

#### **AMENDMENT OF THE TABLE OF CONTENTS OF THE TREATY**

**The "TABLE OF CONTENTS" of the Treaty is amended -**

**(a) under "CHAPTER TWO", by inserting immediately below "ARTICLE 5" the words "ARTICLE 5A SADC COMMON AGENDA";**

**(b) under "CHAPTER FIVE" -**

**(i) by inserting immediately below "ARTICLE 10" the words "ARTICLE 10A ORGAN ON POLITICS, DEFENCE AND SECURITY";**

**(ii) by deleting "COMMISSIONS" and substituting therefor the words "THE INTEGRATED COMMITTEE OF MINISTERS"; and**

**(iii) by inserting immediately below "ARTICLE 16" THE WORDS "ARTICLE 16A SADC NATIONAL COMMITTEES"; and**

**(c) under "CHAPTER NINE"-**

**(i) by deleting "FUND" and substituting therefor the word " FUNDS";**

**(ii) by inserting immediately below the words " ARTICLE 26" the words "ARTICLE 26A REGIONAL DEVELOPMENT FUND".**

#### **ARTICLE 2**

#### **AMENDMENT OF THE PREAMBLE TO THE TREATY**

**The "PREAMBLE" to the Treaty is amended -**

**(a) by inserting, immediately after the 8th preambular paragraphs, the following new preambular paragraphs-**

**"DETERMINED to alleviate poverty, with the ultimate objective of its eradication, through deeper regional integration and sustainable economic growth and development;**

**FURTHER DETERMINED to meet the challenges of globalization," and**

**(b) by deleting "and the Treaty establishing the African Economic Community signed at Abuja, on the 3rd of June, 1991" and substituting therefor the words "the Treaty establishing the African Economic Community, and the Constitutive Act of the African Union".**

### **ARTICLE 3**

#### **AMENDMENT OF ARTICLE 1 OF THE TREATY**

**Article 1 of the Treaty is amended by -**

**(a) arranging the definitions in their correct alphabetical order;**

**(b) deleting "Fund" and substituting therefor the words "Funds";**

**(c) inserting in the definition of "Treaty", immediately after "SADC", the words "and includes any amendment thereto";**

**(d) deleting in the definition of the word "Protocol" the words "having the same legal force as this Treaty," and substituting therefor the words "and includes any amendment thereto";**

**(e) inserting therein, in correct alphabetical order, the following new definitions -**

**"Integrated Committee of Ministers" means the Integrated Committee of Ministers established by Article 9 of this Treaty;**

**"Organ" means the Organ on Politics, Defence and Security Cooperation established by Article 9A of this Treaty;**

**"Regional Development Fund" means the Regional Development Fund established by Article 26 A of this Treaty;**

**"Regional Indicative Strategic Development Plan" means a plan, based on the strategic priorities and SADC Common Agenda, designed to provide strategic direction with respect to SADC projects and activities;**

**"SADC" means the Southern African Development Community;**

**"SADC Common Agenda" means the set of fundamental principles and values, referred to in Article 5A of this Treaty, that will guide the integration agenda of SADC;**

**"SADC National Committee" means a SADC National Committee established by Article 9 of this Treaty;**

**"Troika" means the system referred to in Article 9 in this Treaty".**

**ARTICLE 4  
AMENDMENT OF ARTICLE 4 OF THE TREATY**

**Article 4 of the Treaty is amended by inserting the word "and" immediately after subparagraph d).**

**ARTICLE 5  
AMENDMENT OF ARTICLE 5 OF THE TREATY**

**Article 5 of the Treaty is amended -**

**(a) deleting subparagraphs a), b) and c) and substituting therefor the following new paragraphs -**

**"a) promote sustainable and equitable economic growth and socio-economic development that will ensure poverty alleviation with the ultimate objective of its eradication, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through regional integration;**

**b) promote common political values , systems and other shared values which are transmitted through institutions which are democratic, legitimate, and effective;**

**c) consolidate, defend and maintain democracy, peace security and stability;"**

**(b) adding thereto, immediately after subparagraph h), the following new-subparagraphs**

**"i) combat HIV/AIDS and other deadly or communicable diseases;**

**j) ensure that poverty eradication is addressed in all SADC activities and programmes; and**

**k) mainstream gender in the process of community building;"**

**ARTICLE 6  
INSERTION OF ARTICLE 5A INTO THE TREATY**

**The Treaty is amended by inserting immediately after Article 5 the following new Article-**

**"ARTICLE 5A  
SADC COMMON AGENDA**

**1. The SADC Common Agenda shall be as reflected in Article 5 of this Treaty.**

**2. Without prejudice to paragraph 1 of this Article, the Council shall develop and implement the SADC Common Agenda."**

**ARTICLE 7  
AMENDMENT OF ARTICLE 6 OF THE TREATY**

**Article 6 of the Treaty is amended, in paragraph 2, by deleting " or disability" and substituting therefor the words ", ill health, disability or such other ground as may be determined by the Summit".**

**ARTICLE 8  
AMENDMENT TO ARTICLE 8 OF THE TREATY**

**Article 8 of the Treaty is amended by -**

**(a) inserting immediately after paragraph (2) the following new paragraph -**

**"3. The Council shall consider and recommend to the Summit any application for membership of SADC."; and**

**(b) renumbering paragraph 2 and the old paragraph 3 as paragraphs 4 and 2 respectively and arranging them accordingly.**

**ARTICLE 9  
AMENDMENT OF ARTICLE 9 OF THE TREATY**

**Article 9 of the Treaty is amended by deleting paragraph 1 and substituting therefor the following new paragraph -**

**"1. The following institutions are hereby established:**

- (a) the Summit of Heads of State or Government;**
- (b) the Organ on Politics, Defence and Security;**
- (c) the Council of Ministers;**
- (d) the Integrated Committee of Ministers;**
- (e) the Standing Committee of Officials;**
- (f) the Secretariat,**
- (g) the Tribunal; and**
- (h) SADC National Committees."**

**ARTICLE 10  
INSERTION OF ARTICLE 9A INTO THE TREATY**

**The Treaty is amended by inserting immediately after Article 9 the following new Article-**

**"ARTICLE 9 A  
TROIKA**

**1. The Troika shall apply with respect to the following institutions:**

- a) the Summit;**
- b) the Organ;**
- c) the Council;**
- d) the Integrated Committee of Ministers;**
- e) the Standing Committee of Officials.**

**2. The Troika of the Summit shall consist of:**

- a) the Chairperson of SADC;**
- b) the Incoming Chairperson of SADC who shall be the Deputy Chairperson of SADC; and**
- c) the Outgoing Chairperson of SADC.**

**3. The respective offices of the Troika of the Summit shall be held for a period of one year.**

**4. The membership and term of office of the Troika of the Council, the Integrated Committee of Ministers and the Standing Committee of Officials shall correspond to the membership and term of office of the Troika of the Summit.**

**5. The Troika of the Organ shall consist of:**

- a) the Chairperson of the Organ;**
- b) the Incoming Chairperson of the Organ who shall be the Deputy Chairperson of the Organ; and**
- c) the Outgoing Chairperson of the Organ.**

**6. The Troika of each institution shall function as a steering committee of the institution and shall, in between the meetings of the institution, be responsible for:**

- a) decision- making**
- b) facilitating the implementation of decision; and**
- c) providing policy directions.**

**7. The Troika of each institution shall have the power to create committees on an ad hoc basis.**

**8. The Troika of each institution shall determine its own rules of procedure.**

**9. The Troika of each institution may co-opt other members as and when required."**

**ARTICLE 11  
AMENDMENT OF ARTICLE 10 OF THE TREATY**

**Article 10 of the Treaty is amended -**

**(a) in paragraph 3, by deleting "The" and substituting therefor the words "Subject to Article 22 of this Treaty, the";**

**(b) by deleting in paragraph 4 -**

**(i) "Chairman and the Vice-Chairman" and substituting therefor the words "Chairperson and Deputy Chairperson"; and**

**(ii) "an agreed period" and substituting therefore the words "one year";**

**(c) in paragraph 5, by deleting "once" and substituting therefor the word "twice";**

**(d) by deleting paragraph 6 and substituting therefor the following new paragraph -**

**"6. The Summit shall create committees, other institutions and organs as necessary.";**

**(e) in paragraph 8, by inserting the words "taken" immediately before "by";**

**(f) by renumbering paragraph 8 as paragraph 9; and**

**(g) by inserting, immediately after paragraph 7, the following paragraph-**

**"8. Subject to Article 8 of this Treaty, the Summit shall decide on the admission of new members to SADC.".**

## **ARTICLE 12**

### **INSERTION OF ARTICLE 10A INTO THE TREATY**

**The Treaty is amended by inserting immediately after Article 10 the following new Article -**

#### **"ARTICLE 10 A**

#### **ORGAN ON POLITICS, DEFENCE AND SECURITY COOPERATION**

**1. The Summit shall elect a Chairperson and a Deputy Chairperson of the Organ on the basis of rotation from among the members of the Summit except that the Chairperson of the Summit shall not simultaneously be the Chairperson of the Organ.**

**2. The term of office of the Chairperson, the Incoming Chairperson and the Outgoing Chairperson shall be one year respectively.**

**3. The Chairperson of the Organ shall consult with the Troika of the Summit and report to the Summit.**

**4. There shall be a Ministerial Committee of the Organ, consisting of the Ministers responsible for:**

- a) foreign affairs;**
- b) defence;**
- c) public security; or**
- d) state security,**

**from each of the Member States which shall be responsible for the coordination of the work of the Organ and its structures.**

**5. The structure, functions, powers and procedures of the Organ and other related matters shall be prescribed in a Protocol.**

**6. The Secretariat shall provide secretariat services to the Organ.**

**7. Decisions of the Organ shall be taken by consensus."**

### **ARTICLE 13**

#### **AMENDMENT OF ARTICLE 11 OF THE TREATY**

**Article 11 of the Treaty is amended -**

**(a) in paragraph 1, by deleting "economic planning or finance" and substituting therefor the words "foreign or external affairs";**

**(b) in paragraph 2 -**

**i) by deleting subparagraph f) and substituting therefor the following new subparagraph -**

**(h) recommend, for approval to the Summit, the establishment of directorates, committees, other institutions and organs,"; and**

**ii) by adding immediately after subparagraph i), the following new subparagraph-**

**j) develop and implement the SADC Common Agenda and strategic priorities;" ; and**

**(iii) by renumbering sub-paragraphs j) and k) as subparagraphs k) and l);**

**(c) in paragraph 3, by deleting "Chairman and Vice-Chairman" and substituting therefor the words "Chairperson and Deputy Chairperson";**

**(d) in paragraph 4, by deleting "once" and substituting therefor the words "four times",**

**(e) in paragraph 6, by inserting the word "taken" immediately before "by"; and**

**(f) by adding thereto the following new paragraph-**



**"7. The Council shall consider and recommend to the Summit any application for membership to SADC."**

#### **ARTICLE 14**

#### **REPLACEMENT OF ARTICLE 12 OF THE TREATY**

**Article 12 of the Treaty is deleted and replaced by the following new Article -**

#### **"ARTICLE 12**

#### **INTEGRATED COMMITTEE OF MINISTERS**

**1. The Integrated Committee of Ministers shall consist of at least two ministers from each Member State.**

**2. It shall be the responsibility of the Integrated Committee of Ministers to:**

**(a) oversee the activities of the core areas of integration which include:**

- (i) trade, industry, finance and investment;**
- (ii) infrastructure and services;**
- (iii) food, agriculture and natural resources; and**
- (iv) social and human development and special programmes.**

**(b) monitor and control the implementation of the Regional Indicative Strategic Development Plan in its area of competence;**

**(c) provide policy guidance to the Secretariat;**

**(d) make decisions on matters pertaining to the directorates;**

**(e) monitor and evaluate the work of the directorates; and**

**(f) create such permanent or ad-hoc subcommittees as may be necessary to cater for cross-cutting sectors.**

**3. The Integrated Committee of Ministers shall, with respect to its responsibilities under paragraph 2 of this Article, have decision making powers to ensure rapid implementation of programmes that would otherwise wait for a formal meeting of the Council.**

**4. The Chairperson and Deputy Chairperson of the Integrated Committee of Ministers shall be appointed from the Member States holding the Chairpersonship and Deputy Chairpersonship respectively of the Council.**

**5. The Integrated Committee of Ministers shall meet at least once a year.**

**6. The Integrated Committee of Ministers shall report and be responsible to the Council.**

**7. Decisions of the Integrated Committee of Ministers shall be by consensus."**

**ARTICLE 15  
AMENDMENT OF ARTICLE 13 OF THE TREATY**

Article 13 of the Treaty is amended -

- (a) in paragraph 1, by deleting "preferably from a Ministry responsible for economic planning or finance" and substituting therefor the words "from the Ministry that is the SADC National Contact Point";**
- (b) in paragraph 3, by deleting "be responsible and report" and substituting therefor the words "report and be responsible";**
- (c) by inserting immediately after paragraph 2 the following new paragraph-  
"3. The Standing Committee shall process documentation from the Integrated Committee of Ministers to the Council.";**
- (d) by deleting in paragraph 4-
  - i) "Chairman and Vice-Chairman and substituting therefor "Chairperson and Deputy Chairperson"; and**
  - ii) "Chairmanship and Vice-Chairmanship" and substituting therefor "Chairpersonship and the Deputy Chairpersonship";****
- (e) in paragraph 5, by deleting "once" and substituting therefor the words "four times";**
- (f) in paragraph 6, by inserting the word "taken" immediately before "by"; and**
- (g) by renumbering paragraph 3, 4, 5 and 6 as paragraphs 4,5,6 and 7 respectively.**

**ARTICLE 16  
AMENDMENT OF ARTICLE 14 OF THE TREATY**

Article 14 of the Treaty is amended -

- (a) in paragraph 1 -
  - (i) by deleting subparagraph b) and substituting therefor the following new paragraph -  
"b) implementation of decisions of the Summit, Troika of the Summit, Organ on Politics, Defence and Security Cooperation, Troika of the Organ on Politics, Defence and Security, Council, Troika of Council, Integrated Committee of Ministers and Troika of the Integrated Committee of Ministers.";**
  - (ii) by deleting "and" where it last occurs in subparagraph e);****

**(iii) by deleting "." in subparagraph f); and**

**(v) by adding thereto the following new subparagraphs -**

**"g) gender mainstreaming in all SADC programmes and activities;**

**h) submission of harmonized policies and programmes to the Council for consideration and approval;**

**i) monitoring and evaluating the implementation of regional policies and programmes;**

**j) collation and dissemination of information on the Community and maintenance of a reliable database;**

**k) development of capacity, infrastructure and maintenance of intra-regional information communication technology;**

**l) mobilization of resources, co-ordination and harmonization of programmes and projects with cooperating partners;**

**m) devising appropriate strategies for self-financing and income generating activities and investment;**

**n) management of special programmes and projects;**

**o) undertaking research on Community building and the integration process; and**

**p) preparation and submission to the Council for approval administrative regulations, standing orders and rules for management of the affairs of SADC.";**

**(b) by adding thereto, immediately after paragraph 2, the following new paragraph-**

**"3. The Deputy Executive Secretary shall have delegated powers and assist the Executive Secretary in the execution of his or her functions."**

**(c) by renumbering paragraph 3 as paragraph 4; and**

**(d) by adding thereto, immediately after paragraph 4, the following new paragraph-**

**"5. Except as otherwise provided in this Treaty, the structures of the Secretariat and specifications, descriptions and grading of jobs of the staff of the Secretariat shall be as determined from time to time by the Council."**

## **ARTICLE 17**

### **AMENDMENT OF ARTICLE 15 OF THE TREATY**

**Article 15 of the Treaty is amended -**

**(a) in paragraph 1, by inserting the word "and" immediately after subparagraph k);**

**(b) in paragraph 2, by deleting "Commissions, and";**

**(c) in paragraph 3, by inserting immediately after "Executive Secretary" the words " and the Deputy Executive Secretary".**

## **ARTICLE 18**

### **AMENDMENT OF ARTICLE 16 OF THE TREATY**

**Article 16 of the Treaty is amended, in paragraph 2, by inserting immediately after "Protocol" the words "which shall, notwithstanding the provisions of Article 22 of this Treaty, form an integral part of this Treaty,".**

## **ARTICLE 19**

### **INSERTION OF ARTICLE 16A INTO THE TREATY**

**The Treaty is amended by inserting immediately after Article 16 the following new Article -**

#### **"ARTICLE 16A**

#### **SADC NATIONAL COMMITTEES**

- 1. Each Member State shall create a SADC National Committee.**
- 2. Each SADC National Committee shall consist of key stakeholders.**
- 3. Each SADC National Committee shall, in its composition, reflect the core areas of integration and coordination referred to in paragraph 2 of Article 12 of this Treaty.**
- 4. It shall be the responsibility of each SADC National Committee to -**
  - (a) provide input at the national level in the formulation of SADC policies, strategies and programmes of action;**
  - (b) coordinate and oversee, at the national level, implementation of SADC programmes of action;**
  - (c) initiate projects and issue papers as an input to the preparation of the Regional Indicative Strategic Development Plan, in accordance with the priority areas set out in the SADC Common Agenda;**
  - (d) create a national steering committee, sub-committees and technical committees;**
- 5. Each national steering committee shall consist of the chairperson of the SADC National Committee and the chairpersons of sub-committees.**

**6. Sub-committees and technical committees of the SADC National Committee shall operate at ministerial and officials levels.**

**7. A national steering committee shall be responsible for ensuring rapid implementation of programmes that would otherwise wait for a formal meeting of the SADC National Committee.**

**8. Sub-committees or technical committees shall involve key stakeholders in their operations.**

**9. Each Member State shall create a national secretariat to facilitate the operation of the SADC National Committee.**

**10. Each national secretariat of a SADC National Committee shall produce and submit reports to the Secretariat at specified intervals.**

**11. Each Member State shall provide funds for the operation of its national secretariat which shall be structured according to the core areas of integration referred to in paragraph 2 of Article 12 of this Treaty.**

**12. Each SADC National Committee shall meet at least four times a year.**

**13. For purposes of this Article, key stakeholders include:**

- a) government;**
- b) private sector;**
- c) civil society;**
- d) non-governmental organizations; and**
- e) workers and employers organizations."**

## **ARTICLE 20**

### **AMENDMENT OF ARTICLE 21 OF THE TREATY**

**Article 21 of the Treaty is amended-**

**(a) in paragraph 2, by deleting "and sectoral"; and**

**(b) in paragraph 3-**

**(h) by deleting subparagraphs c) and d) and substituting therefor the following new subparagraphs-**

- "c) trade, industry, finance, investment, and mining;**
- d) social and human development and special programmes;**
- e) science and technology;"**; and

**(ii) by renumbering subparagraphs e), f) and g) as subparagraphs f), g) and h).**

## **ARTICLE 21**

## **AMENDMENT OF ARTICLE 22 OF THE TREATY**

**Article 22 of the Treaty is amended-**

**(a) by deleting, in paragraph 2, "and shall thereafter become an integral part of this Treaty";**

**(b) in paragraph 3, by deleting "subject to signature and ratification by the parties thereto" and substituting thereof the words "open to signature and ratification"; and**

**(c) by adding thereto the following new paragraphs -**

**"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 Secretariats of the United Nations and the Organization of African Unity.**

**9. Each Protocol shall be binding only on the Member States that are party to the Protocol in question.**

**10. Decisions concerning any Protocol that has entered into force shall be taken only by the Parties to the Protocol in question.**

**11. No reservation shall be made to any Protocol."**

## **ARTICLE 22**

## **AMENDMENT OF ARTICLE 23 OF THE TREATY**

**Article 23 of the Treaty is amended -**

**(a) by deleting the heading thereof and substituting therefor the following heading "STAKEHOLDERS";**

**(b) in paragraph 1, by deleting "non-governmental organizations" and substituting therefor the words "key stakeholders";**

**(c) in paragraph 2, by deleting "non-governmental organizations" and substituting therefor the words "key stakeholders"; and**

**(d) by adding thereto the following new paragraph-**

**"3. For purposes of this Article, key stakeholders include:**

- a) private sector;**
- b) civil society;**
- c) non-governmental organizations; and**
- d) workers and employers organizations."**

## **ARTICLE 23**

### **AMENDMENT OF CHAPTER NINE OF THE TREATY**

**Chapter Nine of the Treaty is amended-**

- a) in the heading thereof, by deleting "FUND" and substituting therefor the word "FUNDS";**
- b) in Article 26, by deleting "FUND" and "Fund" and substituting therefor the words "FUNDS" and "funds" respectively; and**
- c) by inserting, immediately after Article 26, the following new Article-**

#### **"ARTICLE 26 A**

##### **REGIONAL DEVELOPMENT FUND**

- 1. There is hereby established a special fund of SADC to be known as the Regional Development Fund in which shall be accounted receipts and expenditure of SADC relating to the development of SADC.**
- 2. The Regional Development Fund shall, subject to this Treaty, consist of contributions of Member States and receipts from regional and non-regional sources, including the private sector, civil society, non-governmental organizations, workers and employers organizations.**
- 3. The Council shall determine the modalities for the institutionalization, operation and management of the Regional Development Fund.**
- 4. The Regional Development Fund shall be governed by financial regulations made in accordance with Article 30 of this Treaty. "**

## **ARTICLE 24**

### **AMENDMENT OF ARTICLE 28 OF THE TREATY**

**Article 28 of the Treaty is amended -**

- (a) in paragraph 1, by inserting "financial" immediately before the word "contributions";**

**(b) in paragraph 2, by deleting "in proportions agreed upon by the Council" and substituting therefor the words "based upon a formula agreed upon by the Summit"; and**

**(c) in paragraph 3, by deleting "and Commissions".**

#### **ARTICLE 25**

##### **AMENDMENT OF ARTICLE 29 OF THE TREATY**

**Article 29 of the Treaty is amended, in paragraph 2, by deleting "and Commissions".**

#### **ARTICLE 26**

##### **AMENDMENT OF ARTICLE 32 OF THE TREATY**

**Article 32 of the Treaty is amended by inserting immediately after "Treaty" the words ", the interpretation, application or validity of Protocols or other subsidiary instruments made under this Treaty,".**

#### **ARTICLE 27**

##### **AMENDMENT OF ARTICLE 33 OF THE TREATY**

**Article 33 of the Treaty is amended -**

**(a) in subparagraph c) of paragraph 1, by deleting "for more than one year";**

**(b) by deleting paragraph 2 and substituting therefor the following new paragraph -**

**"2. The Summit shall determine on a case-by-case basis sanctions to be imposed under subparagraphs a) and b) of paragraph 1 of this Article.";**

**(c) by adding thereto the following new paragraphs -**

**"3. Subject to subparagraph c) of paragraph 1 of this Article, sanctions against a Member State which is in arrears shall be imposed as follows:**

**(a) when in arrears for one year, suspension of the Member State's right to speak and receive documentation at meetings of SADC;**

**(b) when in arrears for two years, suspension:**

**(i) of the Member State's right to speak and receive documentation at meetings of SADC; and**

**(ii) by SADC of recruitment, and renewal of contracts of employment, of personnel from the Member State;**

**(c) when in arrears for three years, suspension:**



**(i) of the Member State's right to speak and receive documentation at meetings of SADC;**

**(ii) by SADC of recruitment, and renewal of contracts of employment, of personnel from the Member State; and**

**(iii) of provision by SADC of funds for new projects in the Member State; and**

**(d) when in arrears for four or more years, suspension:**

**(i) of the Member State's right to speak and receive documentation at meetings of SADC;**

**(ii) by SADC of recruitment, and renewal of contracts of employment, of personnel from the Member State; and**

**(iii) of provision by SADC of funds for new projects in the Member State; and**

**(iv) of cooperation, between SADC and the Member State, in the areas of cooperation spelt out in Article 21 of this Treaty."**

**4. The sanctions referred to in paragraph 3 of this Article shall be applied by the Secretariat without reference to the Summit or Council except that the application of the sanctions shall be subject to the Secretariat notifying-**

**a) prior to any meeting of SADC, Member States in default; and**

**b) Member States at the beginning of any meeting of SADC."**

#### **ARTICLE 28**

#### **AMENDMENT OF ARTICLE 34 OF THE TREATY**

**Article 34 of the Treaty is amended-**

**(a) in paragraph 1, by deleting "Chairman" and substituting therefor the word "Chairperson";**

**(b) in paragraph 3, by inserting immediately after "obligations" the words "under this Treaty" up to the date of its withdrawal "; and**

**(c) by deleting paragraph 6.**

#### **ARTICLE 29**

#### **AMENDMENT OF ARTICLE 37 OF THE TREATY**

**Article 37 of the Treaty is amended by inserting immediately after "English" the word ", French".**

#### **ARTICLE 30**

## **AMENDMENT OF ARTICLE 43 OF THE TREATY**

**Article 43 of the Treaty is amended in paragraph 1, by deleting "and Protocols".**

### **ARTICLE 31 TRANSITIONAL PROVISIONS**

**1. The Sectoral Committees, Sector Coordinating Units and Commissions shall be phased out within a period of two (2) years from 9th March 2001 according to the programme adopted by the Summit at its Extraordinary Summit meeting held at Windhoek, Namibia on 9th March, 2001.**

**2. The directorates shall be phased in at the Secretariat within a period of two (2) years from 9th March 2001.**

### **ARTICLE 32 ENTRY INTO FORCE**

**This Agreement shall enter into force on the date of its adoption by three quarters of all members of the Summit.**

**IN WITNESS WHEREOF, WE, the Heads of the State or Government or our duly authorized representatives have signed this Agreement.**

**DONE AT Blantyre, on this 14th day of August, 2001 in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.**

**REPUBLIC OF ANGOLA**

**REPUBLIC OF BOTSWANA**

**DEMOCRATIC REPUBLIC OF THE CONGO**

**KINGDOM OF LESOTHO**

**REPUBLIC OF MALAWI**

**REPUBLIC OF MAURITIUS**

**REPUBLIC OF MOZAMBIQUE**

**REPUBLIC OF NAMIBIA**

**REPUBLIC OF SEYCHELLES**

**REPUBLIC OF SOUTH AFRICA**

**KINGDOM OF SWAZILAND**

**UNITED REPUBLIC OF TANZANIA**

**REPUBLIC OF ZAMBIA**

**REPUBLIC OF ZIMBABWE**