



AGREEMENT AMENDING
THE TREATY OF THE SOUTHERN AFRICAN
DEVELOPMENT COMMUNITY

<p>SADC</p> <p>CERTIFIED TRUE COPY OF THE ORIGINAL</p> <p>DATE: <u>21/09/2009</u></p> <p>SIGNED: <u>[Signature]</u></p>
--

TABLE OF CONTENTS

PREAMBLE

Article 1	_____	Definitions
Article 2	_____	Amendment to Article 10 of the Treaty
Article 3	_____	Amendment to Article 14 of the Treaty
Article 4	_____	Entry into force
Article 5	_____	Depositary

**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 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

MINDFUL of our duty to promote regional cooperation and integration for the development of our people;

RECOGNIZING that, as the Southern African Development Community (SADC) plans, implements, evaluates and monitors regional cooperation and integration project and programme activities, the need arises from time to time to restructure the Secretariat with a view to enhance its performance ability;

NOTING that, thus understood, a restructuring of the Secretariat may entail a reassessment of the number and portfolios of Deputy Executive Secretaries;

REAFFIRMING the importance of adopting legal instruments to implement the provisions of the Treaty as stipulated by Article 10(3) of the Treaty;

REALISING that, because of its contingent character in light of its dependency on project and programme activities, a restructuring of the Secretariat should be institutionalised not through amendments to the Treaty but by the adoption of Treaty-subordinated legal instruments;

ACTING on the recommendation of the Council and pursuant to Article 36 of the Treaty;

HEREBY AGREE as follows:

**ARTICLE 1.
Definitions**

In this Agreement, the terms and expressions defined in Article 1 of the Treaty shall bear the same meaning unless the context otherwise requires.

ARTICLE 2

Amendment to Article 10 of the Treaty

Paragraph 7 of Article 10 is amended to read as follows:

- “7. The Summit shall appoint the Executive Secretary and one or more Deputy Executive Secretaries, on the recommendation of the Council.”

ARTICLE 3

Amendment to Article 14 of the Treaty

1 Paragraph 2 of Article 14 is amended to read as follows:

- “2. The Secretariat shall be headed by the Executive Secretary who shall be assisted by one or more Deputy Executive Secretaries as the Summit may decide from time to time.”

2 Paragraphs 3 and 3A of Article 14 are repealed.

ARTICLE 4

Entry into force

This Agreement shall enter into force on the date of its adoption by a decision of three-quarters of all the Members of the Summit.

ARTICLE 5

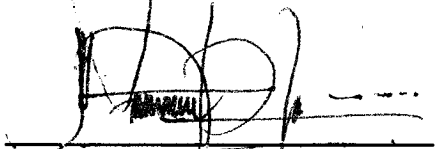
Depositary

- 1 The original texts of this Agreement shall be deposited with the Executive Secretary, who shall transmit certified copies to all Member States.
- 2 The Executive Secretary shall register this Agreement with the Secretariat of the United Nations Organisation and the Commission of the African Union.

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

Done in Kinshasa, the Democratic Republic of Congo, this 8th day of September, 2009 in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.

Republic of Angola



Democratic Republic of Congo



Republic of Malawi




Republic of Mozambique



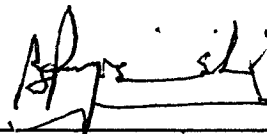
Republic of Seychelles



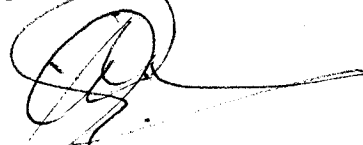
Kingdom of Swaziland

Republic of Zambia

Republic of Botswana



Kingdom of Lesotho



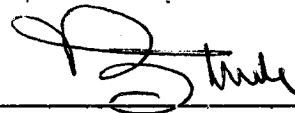
Republic of Mauritius



Republic of Namibia



Republic of South Africa



United Republic of Tanzania

Republic of Zimbabwe