



**AGREEMENT AMENDING THE TREATY OF**

**THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY**

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**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 Madagascar  
The Republic of Mauritius  
The Republic of Mozambique  
The Republic of Namibia  
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;

**AWARE** that the Southern African Development Community (SADC) Institutions require adjustment to render them more effective in meeting the challenges of regional cooperation and integration;

**RECOGNIZING** that the SADC Council of Ministers has reviewed the role of the Integrated Committee of Ministers and concluded that ministerial committees offer better alternative venues for the sectoral policy coordination of the regional integration efforts;

**FURTHER RECOGNIZING** that the SADC Council of Ministers conducted an assessment of the SADC Secretariat's needs to improve the Secretariat's capacity as an adequate executive structure, and concluded that the Institution should be strengthened by the provision of two Deputy Executive Secretaries;

**DEDICATED** to enhancing the SADC's institutional capacity for regional integration;

**ACTING** on the advice of the SADC Council of Ministers and pursuant to Article 36 of the Treaty;

**HAVE AGREED** 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  
REPLACEMENT OF THE EXPRESSION “INTEGRATED COMMITTEE OF  
MINISTERS” BY “SECTORAL AND CLUSTER MINISTERIAL COMMITTEES”**

The Treaty is amended by replacing the expression “Integrated Committee of Ministers” by the expression “Sectoral and Cluster Ministerial Committees” wherever it appears in the Treaty.

**ARTICLE 3  
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 two Deputy Executive Secretaries, on the recommendation of the Council.”

**ARTICLE 4  
AMENDMENT TO ARTICLE 11 OF THE TREATY**

Sub-paragraph (h) of paragraph 2 of Article 11 is amended to read as follows:

- “2. It shall be the responsibility of the Council to:  
(h) recommend to the Summit persons for appointment to the posts of Executive Secretary and Deputy Executive Secretaries;”

**ARTICLE 5  
REPLACEMENT OF ARTICLE 12 OF THE TREATY**

Article 12 is replaced by the following:

**“ARTICLE 12  
SECTORAL AND CLUSTER MINISTERIAL COMMITTEES**

1. The Sectoral and Cluster Ministerial Committees shall consist of ministers from each Member State.
2. It shall be the responsibility of the Sectoral and Cluster Ministerial Committees to:

- (a) oversee the activities of the areas of integration and cooperation which include:
  - (i) trade, industry, finance and investment;
  - (ii) infrastructure and services;
  - (iii) food, agriculture, natural resources and environment;
  - (iv) social and human development and special programmes, which include: health and HIV and AIDS; education; labour; employment; and gender;
  - (v) politics, defence and security; and
  - (vi) legal affairs and judicial matters;
- (b) monitor and control the implementation of the Regional Indicative Strategic Development Plan in its area of competence;
- (c) provide policy advice to the Council; and
- (d) create such permanent or ad hoc subcommittees as may be necessary.

3 The Sectoral and Cluster Ministerial Committees shall, with respect to their responsibilities under paragraph 2 of this Article, have decision making powers to ensure rapid implementation of programmes approved by Council.

4 The Chairperson and Deputy Chairperson of the Sectoral or Cluster Ministerial Committees shall be appointed from the Member States holding the Chairpersonship and Deputy Chairpersonship, respectively, of the Council.

5 The Sectoral and Cluster Ministerial Committees shall meet at least once a year.

6 The Sectoral and Cluster Ministerial Committees shall report and be responsible to the Council.

7 Notwithstanding paragraph 6, the Cluster for the Organ on Politics, Defence and Security Cooperation shall report in accordance with the Protocol on Politics, Defence and Security Co-operation.

8 Decisions of the Sectoral and Cluster Ministerial Committees shall be taken by consensus.”

**ARTICLE 6  
AMENDMENT TO ARTICLE 14 OF THE TREATY**

Article 14 is amended as follows:

1. Paragraph 3 of Article 14 is repealed and replaced by the following:  
"3. The Deputy Executive Secretary for Regional Integration shall lead and manage the implementation of SADC Regional Integration programmes, and shall report to the Executive Secretary."
  
2. The following paragraph 3A is inserted immediately after paragraph 3:  
"3A. The Deputy Executive Secretary for Finance and Administration shall lead and manage the provision of corporate support services of the SADC Secretariat, and shall report to the Executive Secretary."

**ARTICLE 7  
AMENDMENT TO PARAGRAPH 3 OF ARTICLE 15 OF THE TREATY**

Paragraph 3 of Article 15 is amended to read as follows:

- "3. The Executive Secretary and the Deputy Executive Secretaries shall each be appointed for four years, and be eligible for appointment for another period not exceeding four years."

**ARTICLE 8  
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 9  
DEPOSITARY**

1. The original texts of this Agreement shall be deposited with the Executive Secretary of SADC, 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.

JOHANNESBURG

Done at .....A....., Republic of South Africa, this <sup>17</sup> day of August 2008, in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.

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Republic of Angola

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Republic of Botswana

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Democratic Republic of Congo

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Kingdom of Lesotho

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Republic of Madagascar

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Republic of Malawi

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Republic of Mauritius

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Republic of Mozambique

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Republic of Namibia

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Republic of South Africa

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Kingdom of Swaziland

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United Republic of Tanzania

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Republic of Zambia

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Republic of Zimbabwe