



AGREEMENT AMENDING THE PROTOCOL

ON

THE DEVELOPMENT OF TOURISM

IN THE

SOUTHERN AFRICAN

DEVELOPMENT COMMUNITY

SADC	
CERTIFIED TRUE COPY OF THE ORIGINAL	
DATE:	<u>24/09/2009</u>
SIGNED:	<u>[Signature]</u>

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**DRAFT AGREEMENT AMENDING THE PROTOCOL ON THE DEVELOPMENT
OF TOURISM IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY**

PREAMBLE

WE, the Heads of State or Government of:

The Republic of Botswana
The Kingdom of Lesotho
The Republic of Malawi
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 Zimbabwe

NOTING that, through the implementation process, the Protocol on the Development of Tourism in the Southern African Development Community (SADC) has revealed the optimum coordination relationships that should exist among the structures created for its implementation;

RECOGNISING that the restructuring of SADC institutions has led to the absorption of the Tourism Coordinating Unit into the SADC Secretariat;

ACTING on the advice of the Council and pursuant to Article 22 (9), (10), (11) of the Treaty

HEREBY AGREE as follows:

ARTICLE 1
Definitions

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

“Protocol” means the Protocol on the Development of Tourism in the Southern African Development Community.

ARTICLE 2

Amendment to Article 1 of the Protocol

The abbreviation "TCU" and its definition are deleted from Article 1 of the Protocol.

ARTICLE 3

Amendment to Article 13 of the Protocol

Article 13 of the Protocol is amended to read as follows:

"ARTICLE 13

Institutional framework for implementation of the Protocol

1. The institutional mechanisms for the implementation of this Protocol shall comprise the Summit, the Council, the Committee of Tourism Ministers, the Committee of Senior Officials, the Secretariat and the Regional Tourism Organisation of Southern Africa (RETOSA).
2. The Committee of Tourism Ministers, responsible for tourism matters, shall:
 - a) be composed of Ministers of Member States responsible for Tourism;
 - b) meet at least once a year;
 - c) be chaired by the nominated Minister responsible for Tourism in the country which is Chairperson of the SADC.
3. The functions of the Committee of Tourism Ministers shall include:
 - a) adopting regional tourism sector policies and development strategies;
 - b) considering and approving any amendment to the policies and strategies;
 - c) providing policy guidance in response to matters referred to it by the Committee of Senior Officials;
 - d) considering and approving the sectoral Annual Report before submission to the Council;
 - e) submitting proposals for the amendment of the provisions of this Protocol;
 - f) approving new or amending existing annexes to this Protocol;
 - g) supervising the implementation of this Protocol;
 - h) supervising the work of any committee or sub-committee established under this Protocol.
4. The Committee of Senior Officials shall:
 - a) consist of administrative heads of Ministries responsible for tourism or their representatives;
 - b) meet at least once a year;
 - c) be chaired by the nominated official representing the country responsible for coordinating the sector,

5. The functions of the Committee of Senior Officials shall include:
 - a) reporting to the Committee of Tourism Ministers on matters relating to the implementation of the provisions contained in this Protocol;
 - b) reviewing the work of the Tourism Sector;
 - c) approving the documents prepared by the SADC Secretariat;
 - d) liaising with RETOSA, private sector, stakeholders and any other technical committees;
 - e) monitoring the implementation of this Protocol;
 - f) performing such other functions as may be determined by the Committee of Tourism Ministers;

6. The SADC Secretariat shall perform the following functions:
 - a) prepare and implement an annual programme of work in consultation with RETOSA;
 - b) prepare annual schedules of sector meetings for the following year;
 - c) maintain all records necessary for the efficient discharge of the functions of the sector;
 - d) coordinate the day-to-day operations in the implementation of this Protocol;
 - e) provide technical and administrative assistance to the Committee of Tourism Ministers and the Committee of Senior Officials;
 - f) provide assistance to subsidiary committees, sub-committees and any panels that may be established to implement this Protocol;
 - g) work in consultation with the private sector and RETOSA;
 - h) identify research needs and priorities in order to ensure the sustainability and competitiveness of the SADC Tourism Sector in conjunction with RETOSA;
 - i) facilitate the formulation of policy frameworks that are geared at enhancing the development and growth of tourism in the Region;
 - j) liaise closely with Member States.

7. RETOSA shall fulfill its objectives as specified in its Charter by performing, inter alia, the following functions:
 - a) liaise with the SADC Secretariat in preparation of annual schedules of meetings of the Committee of Tourism Ministers for the following year;
 - b) provide technical and administrative assistance to the Committee of Tourism Ministers and the Committee of Senior Officials;
 - c) liaise closely with the SADC Secretariat Tourism Desk in the implementation of this Protocol;
 - d) facilitate in the formulation of policy frameworks that are geared at enhancing the development and growth of tourism in the Region;
 - e) develop tourism through effective marketing of the Region in collaboration with the public and private sectors;
 - f) have full responsibility for the implementation of the tourism development programmes as provided for in its Charter.”

ARTICLE 4

Amendment to Article 15 of the Protocol

Article 15 of the Protocol is amended to read as follows:

"Article 15

Amendment of the Protocol

This Protocol shall be amended in accordance with Article 22 of the Treaty."

ARTICLE 5

Entry into force

This Agreement shall enter into force on the date of its adoption by a decision of three-quarters of the States Parties to the Protocol.

ARTICLE 6

Depositary

- 1 The original texts of this Agreement shall be deposited with the Executive Secretary of SADC, who shall transmit certified copies to all SADC 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 Botswana

Banda

Republic of Malawi

A. M. M. M.

Republic of Mozambique

M. M. M.

Republic of South Africa

B. M. M.

United Republic of Tanzania

M. M. M.

Kingdom of Lesotho

M. M. M.

Republic of Mauritius

M. M. M.

Republic of Namibia

M. M. M.

kingdom of Swaziland

Republic of Zimbabwe