

**AGREEMENT AMENDING ARTICLE 6 OF THE
PROTOCOL ON THE TRIBUNAL**

TABLE OF CONTENTS

Preamble

Article 1

Definitions

Article 2

Amendment of Article 6 of the Protocol

Article 3

Entry into Force

Article 4

Depositary

**AGREEMENT AMENDING THE PROTOCOL ON TRIBUNAL AND THE RULES
OF PROCEDURE**

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 Madagascar
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 Zambia
The Republic of Zimbabwe

NOTING that the Protocol on Tribunal and Rules of Procedure (hereinafter referred to as the Protocol) entered into force on 14 August 2001;

CONSCIOUS of the need to amend Article 6 of the Protocol to make provision for the time frame within which the lot should be drawn and also to stipulate the procedure for the extension of tenure of office for Members of the Tribunal;

HEREBY AGREE as follows;

**ARTICLE 1
DEFINITIONS**

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

**ARTICLE 2
AMENDMENT OF ARTICLE 6 OF THE PROTOCOL**

Article 6 of the Protocol is amended by:

- (a) inserting the following new paragraphs after the existing paragraph 1:

- “2. In the event that the draw of a lot is not done pursuant to paragraph 1, for Members of the Tribunal whose term of office is to expire at the end of three years, their term of office shall be deemed to be extended for a period that would have elapsed between the date of first appointment and the date of making the draw.
 3. The Head of Legal Affairs Unit shall, in consultation with the Head of Human Resources Unit, advise the Executive Secretary to draw a lot as referred to in paragraph 1.”;
- (b) renumbering the existing “paragraph 2 and 3” to be “paragraphs 4 and 5” respectively.

ARTICLE 3 ENTRY INTO FORCE

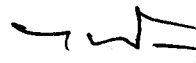
This Agreement shall enter into force on the date of its adoption by three-quarters of the Member States that are parties to the Protocol.

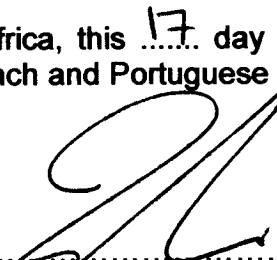
ARTICLE 4 DEPOSITARY

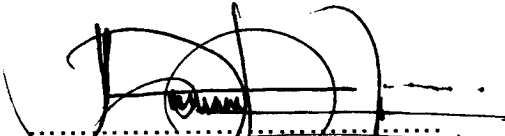
1. The original texts of this Agreement shall be deposited with the Executive Secretary of SADC, who shall transmit copies to all Member States.
2. The Executive Secretary shall register this Agreement with the Secretariat of the United Nations and the Commission of the African Union.


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

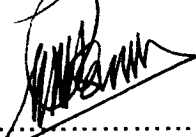
Done at ^{Johannesburg}A....., Republic of South Africa, this 17 day of August 2008, in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.


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Republic of Angola

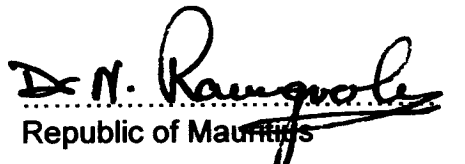

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Republic of Botswana

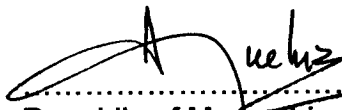

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Democratic Republic of Congo

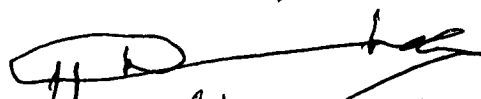

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Kingdom of Lesotho


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Republic of Madagascar


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Republic of Malawi

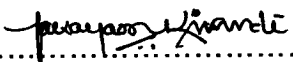

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Republic of Mauritius



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Republic of Mozambique

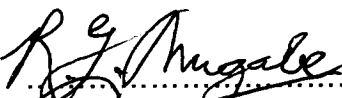

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Republic of Namibia


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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

