

*[Signature]* 08/07/15  
GENERAL  
ATTORNEY GENERAL



*That this Assembly -  
Ratifies the  
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AMENDMENTS TO THE*

SOUTHERN AFRICAN CUSTOMS UNION (SACU) AGREEMENT  
  
OF 2002  
  
TO INSTITUTIONALISE THE SACU SUMMIT

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THE GOVERNMENTS OF THE REPUBLIC OF BOTSWANA, THE KINGDOM OF LESOTHO, THE REPUBLIC OF NAMIBIA, THE REPUBLIC OF SOUTH AFRICA AND THE KINGDOM OF SWAZILAND,

HAVING REGARD to the objectives of the Southern African Customs Union Agreement, 2002;

RECOGNISING the political and economic challenges from the regional and multilateral environment facing the Southern African Customs Union;

BEARING IN MIND the Southern African Customs Union Vision and Mission Statement adopted by the SACU Heads of State or Government in Windhoek, Namibia on 22 April 2010;

BEING AWARE that the implementation of the Southern African Customs Union Agreement will be promoted by strategic guidance through collective leadership from the highest level of Government in the Member States;

BELIEVING that the establishment of the Summit of Heads of State or Government as an institution of the Southern African Customs Union will provide the necessary impetus for its development and contribute to more effective and successful cooperation between the Member States, the consolidation of the Organization, the adoption of common policies and the promotion of the collective interests of the Southern African Customs Union;

HEREBY ADOPT the following amendments to the Southern African Customs Union Agreement, 2002:

#### ARTICLE 1

#### AMENDMENT OF ARTICLE 1 OF THE AGREEMENT

Article 1 of the Agreement is amended by inserting the following new definition immediately after the definition of "South Africa":-

"Summit" means the Summit of Heads of State or Government established by Article 7".

#### ARTICLE 2

#### AMENDMENT OF ARTICLE 6 OF THE AGREEMENT

- 2.1 Article 6 (2) of the Agreement is amended by deleting the word "Council" and substituting it with the word "Summit".
- 2.2 Article 6 (3) of the Agreement is moved to Article 8 of the Agreement as a function of the Council.

ARTICLE 3  
AMENDMENT OF ARTICLE 7 OF THE AGREEMENT

Article 7 of the Agreement is amended:-

- a) by inserting the following new paragraph (a):  
  
“(a) Summit of Heads of State or Government”; and
- b) by renumbering the old “paragraphs (a) to (f)” as “paragraphs (b) to (g)” respectively.

ARTICLE 4  
INSERTION OF ARTICLE 7A INTO THE AGREEMENT

The Agreement is amended by inserting immediately after Article 7, the following new Article:-

“Article 7A

The Summit

1. The Summit shall consist of the Heads of State or Government from each Member State.
2. The Summit shall provide political and strategic direction to SACU.
3. The Summit shall receive reports on the work of the Council.
4. Subject to Article 42 of the Agreement, the Council may refer legal instruments for the implementation of the provisions of the Agreement to the Summit for adoption.
5. The Summit shall meet once in a year. The Summit may hold extraordinary meetings at the request of any Member State.
6. The Chair of the Summit shall be held in turn by each Member State for a period of twelve months in the same order as that of the Council.
7. The Summit shall determine its own rules of procedure.”

ARTICLE 5  
AMENDMENT OF ARTICLE 8 OF THE AGREEMENT

Article 8 of the Agreement is amended:-

- a) in Article 8 (1), by deleting the words “and shall be the supreme decision making authority of SACU matters”;
- b) in Article 8(2) by inserting the words “decision making on” immediately after the words “responsible for”; and
- c) by inserting the old “Article 6(3)” as “Article 8(9)” and renumbering the old “Articles 8 (9) and 8 (10)” as “Articles 8 (10) and 8 (11)”.

ARTICLE 6  
AMENDMENT OF ARTICLE 10 OF THE AGREEMENT

Article 10 of the Agreement is amended by inserting in Articles 10 (2) and 10 (9), the word “Summit,” immediately before the word “Council”.

ARTICLE 7  
AMENDMENT OF ARTICLE 13 OF THE AGREEMENT

Article 13 of the Agreement is amended:

- a) by inserting the words “Summit or the” immediately before the word “Council” in Article 13 (4);
- b) in Article 13(6), by inserting immediately after the word “Tribunal” the words “through the Council”; and
- c) by inserting a proviso to Article 13(6) which reads as follows: “Provided that the Council may request the Summit to consider such dispute or difference as the Council may deem appropriate, with a view to achieving an amicable settlement”.

ARTICLE 8  
AMENDMENT OF ARTICLE 43 OF THE AGREEMENT

Article 43 of the Agreement is amended:-

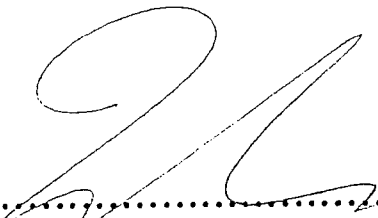
- a) by deleting the words "and decision" immediately after the word "consideration"; and
- b) by deleting the word "Council" at the end thereof and substituting it with the word "Summit".

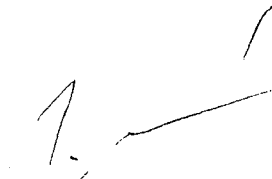
ARTICLE 9  
ENTRY INTO FORCE


These Amendments shall enter into force thirty (30) days after the deposit of instruments of ratification by all the Member States.

IN WITNESS WHEREOF, we the Heads of State or Government of the  
SACU Member States have signed these Amendments.

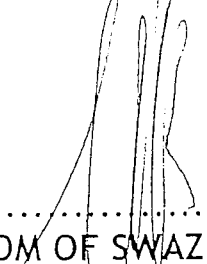
DONE AT Gaborone, Botswana, this <sup>12<sup>th</sup></sup>.....day of April 2013 in the  
English Language.

  
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REPUBLIC OF BOTSWANA

  
.....  
KINGDOM OF LESOTHO

  
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REPUBLIC OF NAMIBIA

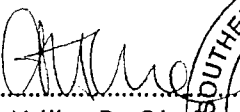
  
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REPUBLIC OF SOUTH AFRICA

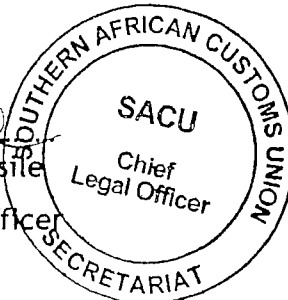
  
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KINGDOM OF SWAZILAND



AMENDMENTS TO THE  
SOUTHERN AFRICAN CUSTOMS UNION (SACU)  
AGREEMENT, 2002, TO INSTITUTIONALISE THE SACU SUMMIT

I hereby certify that the foregoing text is a true copy of the Amendments to the Southern African Customs Union (SACU) Agreement, 2002, to institutionalise the SACU Summit, adopted by the Council of Ministers of the Southern African Customs Union, on the 10<sup>th</sup> April 2013 and signed by the Heads of State and Government of the SACU Member States on the 12<sup>th</sup> April 2013, at Gaborone, Botswana.

  
Ndibo D. Oitsile  
Chief Legal Officer



SACU Secretariat

Windhoek, Namibia

12 November 2014

