

CHAPTER VII FINAL PROVISIONS

ARTICLE 38

Evolutionary Clause

1. The Parties undertake to review this Agreement in light of further developments in international economic relations, *inter alia* in the framework of the WTO, and to examine the possibility of further developing and deepening the co-operation under this Agreement and to extend it to areas not covered therein. The Parties may instruct the Joint Committee to examine this possibility and, where appropriate, to make recommendations to them, particularly with a view to opening up negotiations.
2. Revisions, additions or amendments to this Agreement resulting from the procedure referred to in paragraph 1 shall be done in accordance with the provisions of Article 40.

ARTICLE 39

Annexes

The Annexes to this Agreement are an integral part of it. The Joint Committee may, subject to the respective constitutional requirements of the Parties, decide to amend the Annexes.

ARTICLE 40

Amendments

1. Any Party may submit proposals for amendments to this Agreement to the Joint Committee for consideration and approval.
2. Amendments to this Agreement shall, after approval by the Joint Committee, be submitted to the Parties for ratification, acceptance or approval in accordance with their respective constitutional requirements.
3. Unless otherwise agreed by the Parties, amendments shall enter into force on the first day of the third month following the deposit of the last instrument of ratification, acceptance or approval.
4. The text of the amendments shall be deposited with the Depositary.
5. The amendment procedure provided for in this Article shall not apply to the amendment of Annexes referred to in Article 39.

ARTICLE 41

Accession

1. Any State, becoming a Member of the European Free Trade Association, or any State, becoming a Member of the Southern African Customs Union, may accede to this Agreement, on terms and conditions to be agreed upon by the Parties. The instrument of accession shall be deposited with the Depositary.
2. In relation to an acceding State, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument of accession, or the approval of the terms of accession by the existing Parties, whichever is later.

ARTICLE 42

Withdrawal and Termination

1. A Party may withdraw from this Agreement by means of a written notification to the Depositary. The withdrawal shall take effect six months after the date on which the notification is received by the Depositary.
2. Any EFTA State which withdraws from the Convention Establishing the European Free Trade Association shall *ipso facto* on the same day as the withdrawal takes effect cease to be a Party to this Agreement.
3. Any SACU State which withdraws from the SACU Agreement shall *ipso facto* on the same day as the withdrawal takes effect cease to be a Party to this Agreement.
4. If all the EFTA States withdraw or if SACU withdraws in accordance with paragraph 1, this Agreement shall be terminated.

ARTICLE 43

Entry into Force

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective constitutional requirements of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. If its constitutional requirements permit, any EFTA State or SACU State may apply this Agreement provisionally. Provisional application of this Agreement under this paragraph shall be notified to the Depositary.
3. This Agreement shall enter into force on 1 July 2006, provided all the Parties have deposited their instruments of ratification, acceptance or approval with, or notified provisional application to, the Depositary at least one month before this date.

4. In case this Agreement does not enter into force on 1 July 2006 it shall enter into force on the first day of the second month following the date on which the last Party has deposited its instrument or notified provisional application.

ARTICLE 44

Depositary

1. The Government of Norway shall act as Depositary.
2. An original copy of this Agreement shall be lodged with the SACU Secretariat.
3. The SACU Secretariat shall co-ordinate the actions of the SACU States in fulfilment of the terms of Articles 40 to 43.

Done in two originals in the English language, one of which shall be deposited with the Government of Norway and the other shall be lodged with the SACU Secretariat. The Depositary shall transmit certified copies to all the Parties.

Done at _____
This _____ day of _____ 2006
For the Republic of Botswana _____

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Done at _____
 This _____ day of _____ 2006
 For the Kingdom of Lesotho _____

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Done at _____
 This _____ day of _____ 2006
 For the Republic of Namibia _____

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Done at _____
This _____ day of _____ 2006
For the Republic of South Africa

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Done at _____
This _____ day of _____ 2006
For the Kingdom of Swaziland _____

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