PREAMBLE

THE HIGH CONTRACTING PARTIES:

NOTING that the Treaty establishing the Southern African Development Community has, in Article 22, expressly called for the conclusion of Protocols as may be necessary in each area of co-operation within the Community;

CONSIDERING that trade in goods and services and the enhancement of cross-border investment are major areas of co-operation among the Member States of the Community;

RECOGNISING that the development of trade and investment is essential to the economic integration of the Community;

RECOGNISING that an integrated regional market will create new opportunities for a dynamic business sector;

CONVINCED of the need to strengthen Customs co-operation and combat illicit trade within the Community;

CONVINCED that a framework of trade co-operation among Member States based on equity, fair competition and mutual benefit will contribute to the creation of a viable Development Community in Southern Africa;

MINDFUL of the different levels of economic development of the Member States of the Community and the need to share equitably the benefits of regional economic integration;

COMMITTED to linking the liberalisation of trade to a process of viable industrial development, as well as co-operation in finance, investment and other sectors;

NOTING the provisions of the Abuja Treaty calling for the establishment of regional and sub-regional economic groupings as building blocs for the creation of the African Economic Community;

MINDFUL of the results of the Uruguay Round of Multilateral Trade Negotiations on global trade liberalisation;

RECOGNISING the obligations of Member States in terms of existing regional trade arrangements and bilateral trade agreements;

Hereby agree as follows:

PART ONE
DEFINITIONS AND OBJECTIVES

ARTICLE 1
DEFINITIONS

"Annex"	means a legal instrument of implementation of this Protocol, which forms an integral part thereto, and has the same legal force;
"Community"	means the Organisation as defined in Article 1 of the SADC Treaty;

"Conformity Assessment"	means any procedure used, directly or indirectly, to determine that a technical regulation or standard is fulfilled, including sampling, testing, inspection, evaluation, verification, monitoring, auditing, accreditation, registration or approval used for such a purpose, but does not mean an approval procedure;
"Council"	means Council of Ministers as defined in Article 1 of the SADC Treaty;
"CMT"	means the Committee of Ministers responsible for trade matters;
"Dumping"	means, in accordance with the provisions of Article VI of GATT(1994), the introduction of a product into the commerce of another country at less than its normal value, if the price of the product exported from one country to another is less than the comparable price in the ordinary course of trade, for the like product when destined for consumption in the exporting country;
"Export Duties"	means any duties or charges of equivalent effect imposed on, or in connection with, the exportation of goods from any Member State to a consignee in another Member State;
"High Contracting Parties"	means States as defined in Article 1 of the Treaty;
"Import Duties"	means Customs duties or charges of equivalent effect imposed on, or in connection with, the importation of goods consigned from any Member State to a consignee in another Member State;
"Member State"	means a Member State as defined in Article 1 of the Treaty.
"Non-Tariff Barrier" (NTB)	means any barrier to trade other than import and export duties;
"Originating goods"	means goods of a Member State as provided for in Annex I on Rules of Origin;
"Protocol"	means this instrument of implementation of the Treaty and includes any Annex or amendment thereof which form an integral part thereof;
"Provisional Safeguard Measures"	means measures imposed in accordance with Article 20 *bis* of this Protocol;
"Quantitative Restrictions"	means prohibitions or restrictions on imports into, or exports from a Member State whether made effective through quotas, import licences, foreign exchange allocation practices or other measures and requirements restricting imports or exports;
"Region"	means Region as defined in Article 1 of the Treaty;
"Safeguard measures"	means measures imposed in accordance with Article 20 of this Protocol;
"Services"	means intangible activities and those enumerated in Annex 1B

	to the World Trade Organisation's General Agreement on Trade in Services (GATS);
"Sub-Committee"	means a committee of experts established under each respective Annex of this Protocol;
"Subsidies"	shall have the same meaning and interpretation as in the WTO Agreement on Subsidies and countervailing measures;
"Third country"	means a country other than a Member State;
"FTA"	means Free Trade Area;
"TNF"	means the Trade Negotiating Forum;
"Treaty"	means the Treaty establishing the Southern African Development Community;
"WTO"	means World Trade Organisation.

ARTICLE 2
OBJECTIVES

The objectives of this Protocol are:

1. To further liberalise intra-regional trade in goods and services on the basis of fair, mutually equitable and beneficial trade arrangements, complemented by Protocols in other areas.

2. To ensure efficient production within SADC reflecting the current and dynamic comparative advantages of its Members.

3. To contribute towards the improvement of the climate for domestic, cross-border and foreign investment.

4. To enhance the economic development, diversification and industrialisation of the Region.

5. To establish a Free Trade Area in the SADC Region.

PART TWO
TRADE IN GOODS

ARTICLE 3
ELIMINATION OF BARRIERS TO INTRA-SADC TRADE

1. The process and modalities for the phased elimination of tariffs and non-tariff barriers shall be determined by the Committee of Ministers responsible for trade matters (CMT) having due regard to the following:

   a) The existing preferential trade arrangements between and among the Member States.

   b) That the elimination of barriers to trade shall be achieved within a time frame of eight (8) years from entry into force of this Protocol.