

ARTICLE 27

PREFERENTIAL TRADE ARRANGEMENTS

1. Member States may maintain preferential trade and other trade related arrangements existing at the time of entry into force of this Protocol;
2. Member States may enter into new preferential trade arrangements between themselves, provided that such arrangements are not inconsistent with the provisions of this Protocol.
3. Notwithstanding the provisions of paragraph 1 and 2 of this Article, Member States party to any existing preferential trade arrangements and other trade related arrangements undertake to review the further application of such preferential trade arrangements, with a view to attaining the objectives of this Protocol.

ARTICLE 28

MOST FAVOURED NATION TREATMENT

1. Member States shall accord Most Favoured Nation Treatment to one another.
2. Nothing in this Protocol shall prevent a Member State from granting or maintaining preferential trade arrangements with third countries, provided such trade arrangements do not impede or frustrate the objectives of this Protocol and that any advantage, concession, privilege or power granted to a third country under such arrangements is extended to other Member States.
3. Notwithstanding the provisions of paragraph 2 of this Article, a Member State shall not be obliged to extend preferences of another trading bloc of which that Member State was a member at the time of entry into force of this Protocol.

ARTICLE 29

COORDINATION OF TRADE POLICIES

Member States shall, to their best endeavour, coordinate their trade policies and negotiating positions in respect of relations with third countries or groups of third countries and international organisations as provided for in Article 24 of the Treaty, to facilitate and accelerate the achievement of the objectives of this Protocol.

ARTICLE 30

**CO-OPERATION WITH THIRD COUNTRIES OR
GROUPS OF THIRD COUNTRIES**

Member States shall develop co-operation and conclude agreements with third countries or groups of third countries and international organisations as provided for in Article 24 of the Treaty, to facilitate and accelerate the achievement of the objectives of this Protocol.

PART NINE

INSTITUTIONAL ARRANGEMENTS AND DISPUTE SETTLEMENT PROCEDURES

ARTICLE 31

INSTITUTIONAL ARRANGEMENTS

1. The institutional mechanisms for the implementation of this Protocol shall comprise the CMT, Committee of Senior Officials responsible for trade matters, the TNF and the Secretariat.

2. The Committee of Ministers shall be responsible for trade matters including the following:
 - a) supervision of the implementation of this Protocol;
 - b) supervision of the work of any committee or sub-committee established under this Protocol.
3. The Committee of Senior Officials shall:
 - a) report to the CMT on matters relating to the implementation of the provisions contained in this Protocol;
 - b) supervise the work of the Secretariat;
 - c) clear the documents prepared by the Secretariat to be submitted to the CMT;
 - d) liaise closely with both the CMT and the Secretariat;
 - e) monitor the implementation of this Protocol;
 - f) supervise the work of the TNF.
4. The Trade Negotiation forum shall be responsible for the conduct of trade negotiations and shall report to the Committee of Senior Officials. Its functions shall include:
 - a) regular reviews in which offers shall be made and where the removal of non-tariff barriers shall be requested or offered;
 - b) the creation of a research capacity of experts to monitor the impact of measures already implemented, and offer advice on the potential impact of offers under discussion;
 - c) the establishment of a linkage between trade liberalisation and industrial policy coordination, as well as other areas of sectoral co-operation; and
 - d) the establishment of a regional framework on the phased reduction and eventual elimination of tariff and NTBs to trade among Member States.
5. The Secretariat shall perform the following functions:
 - a) coordinate the day-to-day operations in the implementation of this Protocol;
 - b) provide technical and administrative assistance to the CMT, the Committee of Senior Officials and the TNF;
 - c) provide assistance to subsidiary committees, sub-committees and panels established to implement this Protocol;
 - d) work closely with the private sector;
 - e) identify research needs and priorities in the trade area.

ARTICLE 32
SETTLEMENT OF DISPUTES

The rules and procedures of Annex VI shall apply to the settlement of disputes between Member States concerning their rights and obligations under this Protocol.

ARTICLE 33
GENERAL UNDERTAKING

1. Member States shall take all appropriate measures to ensure the carrying out of the obligations arising from this Protocol.
2. Member States shall co-operate in addressing any impediments to intra-SADC trade that may arise as a result of any action or lack of action by any Member State on issues having material bearing on such trade and which are not covered elsewhere in this Protocol.
3. In the event that Member States disagree on the existence of impediments to intra-SADC trade, the Member States may have recourse to the provisions of Article 32 of this Protocol.

ARTICLE 34
AMENDMENTS

1. Amendments to this Protocol shall be in accordance with the procedures established by Article 36 of the Treaty.
2. In the case of a proposal to amend an existing annex or include a new annex to this protocol, the CMT shall adopt the proposal by consensus.
3. A proposal adopted by the CMT in accordance with paragraph 2 shall form an integral part of this Protocol."

ARTICLE 35
SIGNATURE

This Protocol shall be signed by the High Contracting Parties.

ARTICLE 36
RATIFICATION

This Protocol shall be ratified by the Member States in accordance with their constitutional procedures.

ARTICLE 36 A
IMPLEMENTATION

1. Each Member State shall deposit an instrument of implementation, indicating the date upon which that Member State shall implement the Protocol, within six months after the date of entry into force of this Amendment Protocol. This Amendment Protocol and the Tariff Reduction Schedules, adopted by the CMT pursuant to Article 3(2) of the Protocol, shall be implemented by each Member State on a date not later than twelve months from the date of

entry into force of this Amendment Protocol. No Member State shall be obliged to extend preferential treatment under this Protocol to another Member State which has not deposited an instrument of implementation as provided for in this paragraph.

2. No Member State shall deposit an instrument of implementation or accession to this Amendment Protocol unless it has previously or simultaneously deposited an instrument of ratification or accession to the Protocol.

ARTICLE 37 **ENTRY INTO FORCE**

This Protocol shall enter into force 30 days after the deposit of the Instruments of Ratification by two-thirds of the Member States.

ARTICLE 38 **ACCESSION**

This Protocol shall remain open for accession by any Member State.

ARTICLE 39 **DEPOSITARY**

1. This Protocol and all instruments of Ratification or Accession shall be deposited with the Executive Secretary, who shall transmit certified true copies thereof, to all Member States.
2. The Executive Secretary of SADC shall notify the Member States of the dates of deposit of Instruments of Ratification and Accession.
3. The Executive Secretary shall register this Protocol with the United Nations, the Organisation of African Unity and such other organisations as the Council may determine.

IN WITNESS WHEREOF, WE, the Heads of State or Government or duly Authorised Representatives of SADC Member States have signed this Protocol.

Done at Maseru this 24th of August 1996 in two (2) original texts in the English and Portuguese languages, both texts being equally authentic.

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REPUBLIC OF ANGOLA
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KINGDOM OF LESOTHO
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REPUBLIC OF MAURITIUS
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REPUBLIC OF NAMIBIA
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KINGDOM OF SWAZILAND
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REPUBLIC OF ZAMBIA

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REPUBLIC OF BOTSWANA
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REPUBLIC OF MALAWI
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REPUBLIC OF MOZAMBIQUE
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REPUBLIC OF SOUTH AFRICA
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UNITED REPUBLIC OF TANZANIA
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REPUBLIC OF ZIMBABWE