

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

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**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**

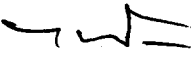
This Agreement shall enter into force on the date of its adoption by three-quarters of the Member States that are parties to the Protocol.

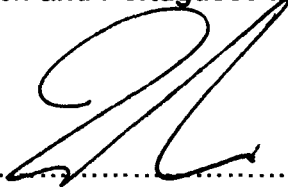
### **ARTICLE 4 DEPOSITARY**

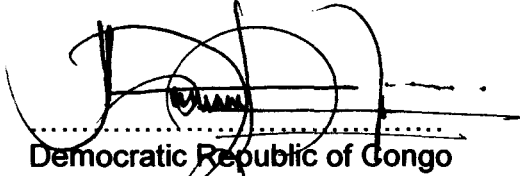
- 1. The original texts of this Agreement shall be deposited with the Executive Secretary of SADC, who shall transmit copies to all Member States.**
- 2. The Executive Secretary shall register this Agreement with the Secretariat of the United Nations and the Commission of the African Union.**

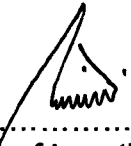
IN WITNESS WHEREOF, WE, the Heads of State or Government or our duly authorised representatives, have signed this Agreement.

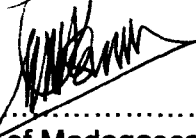
JOHANNESBURG  
Done at .....<sup>A</sup>....., Republic of South Africa, this <sup>17</sup> day of August 2008, in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.

  
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Republic of Botswana

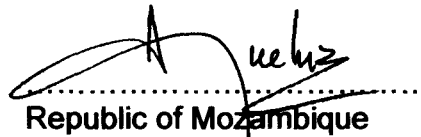
  
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Democratic Republic of Congo

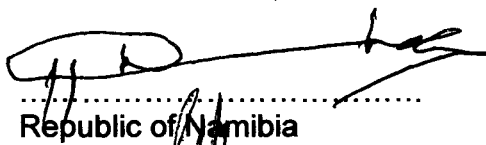
  
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United Republic of Tanzania

  
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Republic of Zimbabwe

