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.

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

Republic of Angola

Republic of Botswana

Democratic Republic of Congo

Kingdom of Lesotho

Republic of Madagascar

Republic of Malawi

Republic of Mauritius

Republic of Mozambique

Republic of Namibia

Republic of South Africa

Kingdom of Swaziland

United Republic of Tanzania

Republic of Zambia

Republic of Zimbabwe