

TRADE AND INDUSTRY

Sugar Act 28 of 1936, with some South African amendments

Summary: This Act ([SA GG 2365](#)) provides for the control of the sugar industry and regulates sugar prices. It repeals the Sugar Prices Act 47 of 1926.

Applicability to SWA: Section 10(2), which was added by *Act 17 of 1955* ([SA GG 5465](#), also published in [OG 1902](#)), states that “This Act shall apply also in the territory”, which is defined in section 13 of the Act as “the Territory of South West Africa”. There is no definition of “Union” or “Republic”.

This wording does not seem to make amendments to the Act automatically applicable to SWA. However, the amendments contained in Act 17 of 1955 are presumably applicable to SWA since it was that amending act which applied the principal Act to SWA. There was only one other amending act in South Africa – the *Sugar Amendment Act 26 of 1958* ([SA GG 6109](#)) – which was not made expressly applicable to Namibia.

The Act was repealed in South Africa in its entirety by the *Sugar Act 9 of 1978* ([RSA GG 5907](#)), which was brought into force on 27 April 1979 by Proc. R.81/1979 ([RSA GG 6419](#)). However, this repeal came into force in SA after the date of transfer to SWA.

Transfer of administration to SWA: The administration of the Act was transferred to SWA by the Executive Powers (Commerce) Transfer Proclamation (AG 28 of 1978), dated 28 April 1978.

Amendments: The following pre-independence South African amendment was applicable to SWA –

- *Sugar Amendment Act 17 of 1955* ([SA GG 5465](#)).

Regulations: There is no savings clause for regulations issued under the repealed Act. Regulations are authorised by section 11 of the Act. Pre-independence regulations have not been researched. No post-independence regulations have been promulgated.

Price Control Act 25 of 1964, as amended in South Africa to April 1978

Summary: This Act ([RSA GG 750](#)) allows for state control of the prices of goods and services.

Applicability to SWA: Section 21 of the original Act stated: “This Act shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section *three* of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in relation to all persons in that portion of the said territory known as the ‘Rehoboth Gebiet’ and defined in the First Schedule to Proclamation No. 28 of 1923 of that territory.”

Section 21 was substituted by Act 80 of 1967, to make amendments to the Act also applicable to South West Africa. Section 21 as substituted states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel referred to in section 3 of the South West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951) and in relation to all persons in the portion of the said territory known as the ‘Rehoboth

Gebiet’ and defined in the First Schedule to Proclamation No. 28 of 1923 of the Administration of that territory.” Section 1 defines “Gazette” accordingly.

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Commerce) Transfer Proclamation (AG 28/1978), dated 28 April 1978. There were two amendments to the Act in South Africa after the date of transfer and prior to Namibian independence – the *Price Control Amendment Act 16 of 1984* ([RSA GG 9092](#)) and the *Coal Resources Act 60 of 1985* ([RSA GG 9773](#)) – neither of which was made expressly applicable to SWA.

Amendments: The following pre-independence South African amendments were applicable to SWA –

- *Price Control Amendment Act 80 of 1967* ([RSA GG 1764](#))
- *Price Control Amendment Act 39 of 1976* ([RSA GG 5066](#)).

Regulations: The Act makes no provision for regulations.

Notices: The application of the Act is affected by a large number of Government Notices which have not been comprehensively recorded here.

Maximum margarine prices were contained in GN 72 of 15 April 1986, as amended by GN 43/1990 ([GG 60](#)), GN 68/1991 ([GG 220](#)) and GN 41/1992 ([GG 390](#)) and supplemented by GN 146/1992 ([GG 512](#)). GN 72/1986 is repealed by GN 64/1993 ([GG 662](#)), which is replaced by GN 115/1994 ([GG 870](#)), which is replaced in turn by GN 209/1995 ([GG 1183](#)), which is repealed by GN 57/1997 ([GG 1528](#)).

Deposits and refunds on returnable containers were addressed after independence by GN 96/91 ([GG 249](#)), as amended by GN 19/92 ([GG 359](#)), which was replaced by GN 27/2003 ([GG 2925](#)), which was replaced by GN 130/2005 ([GG 3507](#)), which was replaced by GN 237/2008 ([GG 4136](#)).

National Supplies Procurement Act 89 of 1970, as amended in South Africa prior to Namibian independence

Summary: This Act ([RSA GG 2898](#)) empowers the Minister of Economic Affairs to procure goods and services whenever the Minister deems it “necessary or expedient for the security of the Republic... without having recourse to the State Tender Board or the State Procurement Board”. It also provides for the establishment and administration of a National Supplies Procurement Fund for this purpose. It further allows the Minister to demand the production of supply of goods or services whenever “the Minister deems it necessary or expedient for the security of the Republic”, and to confiscate illegally-acquired goods or suspend illegally-acquired services “without legal process”.

This law was apparently inspired by concerns about international sanctions and boycotts; it has been described as a “sanctions-busting” piece of legislation.² It is no longer needed in independent Namibia; “emergency procurement” is sufficiently covered by the Public Procurement Act 15 of 2015.

² “[South Africa Country Procurement Assessment Report: Refining the Public Procurement System](#)”, Volume II, The World Bank, February 2003, page 7.

Applicability to SWA: Section 1 defines “Republic” to include “the territory of South West Africa”. Section 19 states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including that part of the said territory known as the Eastern Caprivi Zipfel.”

Transfer of administration to SWA: The relevant Transfer Proclamations are the Executive Powers (Industries) Transfer Proclamation (AG 5/1978), dated 30 January 1978, and the Executive Powers (Commerce) Transfer Proclamation (AG 28/1978), dated 28 April 1978. Both of these transfer proclamations excluded this Act from the operation of Section 3(1) of the General Proclamation, meaning that the administration of the Act was not transferred to SWA.

Amendments: The following pre-independence South African amendments were applicable to SWA –

- *Finance Act 63 of 1973* ([RSA GG 3948](#))
- *General Law Amendment Act 29 of 1974* ([RSA GG 4220](#))
- *National Supplies Procurement Amendment Act 89 of 1974* ([RSA GG 4520](#))
- *National Supplies Procurement Amendment Act 54 of 1975* ([RSA GG 4754](#))
- *National Supplies Procurement Amendment Act 70 of 1976* ([RSA GG 5129](#))
- *National Supplies Procurement Amendment Act 73 of 1979* ([RSA GG 6516](#))
- *Finance Act 21 of 1980* ([RSA GG 6915](#))
- *National Supplies Procurement Amendment Act 31 of 1982* ([RSA GG 8083](#))
- *National Supplies Procurement Amendment Act 25 of 1988* ([RSA GG 11215](#)).

The Act was also amended in South Africa by the *Legal Succession to the South African Transport Services Act 9 of 1989* ([RSA GG 11743](#)). However, the portions of Act 9 of 1989 which amended Act 89 of 1970 came into force only after Namibian independence, on 1 April 1990, in terms of section 37(2) read with section 3(1) of Act 9 of 1989; the date referred to in section 3(1) was set by *RSA Government Notice 578/1990* ([RSA GG 12364](#)) as being 1 April 1990. Therefore these amendments were not applicable to South West Africa.

Regulations: The Act makes no provision for regulations.

Trade Practices Act 76 of 1976, as amended in South Africa to April 1978

Summary: This Act ([RSA GG 5150](#)) regulates certain advertisements, restricts the use of trade coupons in connection with the sale of goods and services, and controls various other trade practices.

Applicability to SWA: Section 23 states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.” There were no amendments to the Act in South Africa prior to the date of transfer.

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Commerce) Transfer Proclamation (AG 28/1978), dated 28 April 1978. (The first amendment to the Act in South Africa, the *Trade Practices Amendment Act 78 of 1978*, came into force shortly after the date of transfer, on 9 June 1978.) None of the amendments to the Act in South Africa after the date of transfer were made expressly applicable to SWA.

Regulations: The Act makes no provision for regulations.

Foreign Investments Act 27 of 1990

Summary: This Act ([GG 129](#)) provides for the promotion of foreign investments in Namibia. It was brought into force on 7 July 1992 by Proc. 19/1992 ([GG 433](#)). This Act and its amending Act (Act 24 of 1993) are both repealed by the Namibia Investment Promotion Act 9 of 2016 ([GG 6110](#)). However, that Act has not yet been brought into force.

Amendments: Act 24/1993 ([GG 752](#)) amends sections 3, 10 and 18.

Application of law: Export processing zones are exempted from the operation of the Act by section 9 of the Export Processing Zones Act 9 of 1995 ([GG 1069](#)).

Regulations: Regulations are contained in GN 120/1992 ([GG 477](#)).

Notices: The minimum value of eligible investments under the Act in terms of section 5(1) is set at N\$2 million by GN 283/1996 ([GG 1436](#)), which repeals GN 121/1992.

Businesses and categories of businesses which are prohibited to foreign investors because they can be adequately provided by Namibians are specified in terms of section 3(4) of the Act by GN 75/2010 ([GG 4460](#)). However, paragraph (a) of this notice was declared invalid on the grounds that it is beyond the authority conferred by the Act in *Namibian Competition Commission & Another v Wal-Mart Stores Incorporated* 2012 (1) NR 69 (SC).

Cases: *Namibian Competition Commission & Another v Wal-Mart Stores Incorporated* 2012 (1) NR 69 (SC).

Related international agreements:

Articles of Agreement of the International Finance Corporation (IFC), 1955.

Export Processing Zones Act 9 of 1995

Summary: This Act ([GG 1069](#)) provides for the establishment, development and management of Export Processing Zones. It was brought into force on 10 October 1995 by GN 186/1995 ([GG 1174](#)).

Amendments: Act 6/1996 ([GG 1337](#)) amends section 8 of the Act, which makes the Labour Act 6 of 1992 ([GG 388](#)) applicable in Export Processing Zones, subject to certain modifications and exceptions.

The Electricity Act 4 of 2007 ([GG 3922](#)), which was brought into force on 15 November 2007 by GN 201/2007 ([GG 3933](#)), amends section 22.

The Namibia Industrial Development Agency Act 16 of 2016 ([GG 6202](#)), which was brought into force in relevant part on 15 November 2018 by GN 295/2018 ([GG 6767](#)), amends section 26, repeals section 27 and 28 and makes other consequential amendments.

The Income Tax Amendment Act 2 of 2020 ([GG 7249](#)) inserts section 101A into the Income Tax Act 24 of 1981, which repeals sections 5, 6 and 7(2) of this Act, and is brought into force in relevant part by GN 329/2020 ([GG 7431](#)) as follows:

- (i) at the end of five years commencing on 31 December 2020 [31 December 2025], in respect of an export processing zone enterprise that holds an export processing zone enterprise

- certificate issued under section 14 of the Export Processing Zones Act 9 of 1995 *on or before 31 December 2020*; and
- (ii) on 31 December 2020, in respect of an export processing zone enterprise that obtains an export processing zone enterprise certificate issued under section 14 of the Export Processing Zones Act 9 of 1995 *after 31 December 2020*.

Regulations: Regulations are authorised by section 24 of the Act, but none have yet been promulgated.

Notices: The Walvis Bay Export Processing Zone is described in GN 183/1997 ([GG 1681](#)), replacing GN 14/1996 ([GG 1241](#)) which in turn replaced GN 185/1995 ([GG 1174](#)).

Trades and Occupational Licences Repeal Act 10 of 1995

Summary: This Act ([GG 1070](#)) repeals and amends a number of laws relating to trades and licencing. It has no independent provisions.

Second Hand Goods Act 23 of 1998

Summary: This Act ([GG 1955](#)) regulates the business of dealers in second hand goods and scrap metal, auctioneers and pawnbrokers. It establishes record-keeping requirements aimed at detecting stolen goods. It was brought into force on 1 November 1999 by GN 211/1999 ([GG 2209](#)).

Amendments: The General Law Amendment Act 14 of 2005 ([GG 3565](#)) amends section 1 of the Act.

Application of law: The application of this law is affected by the Financial Intelligence Act 13 of 2012 ([GG 5096](#)), which places certain duties on dealers in second hand goods and auctioneers.

Regulations: Regulations are contained in GN 212/1999 ([GG 2209](#)).

Competition Act 2 of 2003

Summary: This Act ([GG 2964](#)) safeguards and promotes competition in the Namibian market and establishes the Namibian Competition Commission. It was brought into force on 3 March 2008 by GN 54/2008 ([GG 4004](#)). It repeals the *Regulation of Monopolistic Conditions Act 24 of 1955*.

Note that the Arrangement of Sections in this Act lists a Schedule, but the *Government Gazette* does not contain a Schedule, and there is no reference to a Schedule in the text of the Act.

Amendments: The State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, substitutes section 5, deletes section 7, and amends section 13.

Application of law: The class of mergers excluded from Chapter 4 of the Act pursuant to section 43 is determined in GN 288/2012 ([GG 5090](#)), which is withdrawn and replaced by GN

307/2012 ([GG 5107](#)), which is in turn withdrawn and replaced by GN 307/2015 ([GG 5905](#)).

The threshold of annual turnover or asset value for the application of Part II of Chapter 3 of the Act is determined pursuant to section 24 in GN 289/2012 ([GG 5090](#)), which is withdrawn and replaced by GN 306/2012 ([GG 5107](#)).

Regulations: The Act makes no provision for regulations.

Rules: Rules are contained in General Notice 41/2008 ([GG 4004](#)). These rules were amended by GN 2/2017 ([GG 6213](#)), but GN 2/2017 was withdrawn and replaced by GN 63/2017 ([GG 6266](#)).

Note that both GN 2/2017 and GN 63/2017 erroneously state that the original rules are contained in *Government Notice* 41/2008. They actually appear in *General Notice* 41/2008.

Notices: The office address of the Namibian Competition Commission for the purposes of communications to the Commission is set out in General Notice 30/2010 ([GG 4423](#)).

A memorandum of agreement between the Namibian Competition Commission and the Communications Regulatory Authority of Namibia (CRAN), made pursuant to section 67 of the Act, is published in General Notice 17/2012 ([GG 4868](#)).

A memorandum of agreement between the Namibian Competition Commission and the Bank of Namibia, made pursuant to section 67 of the Act, is published in General Notice 41/2012 ([GG 4888](#)).

A memorandum of agreement between the Namibian Competition Commission and NAMFISA, made pursuant to section 67(3) of the Competition Act 2 of 2003, is published in General Notice 270/2014 ([GG 5527](#)).

A Corporate Leniency Programme is established by General Notice 562/2018 ([GG 6732](#)).

Notices on referrals for investigation, reports of specific cases and determinations made by the Commission in respect of specific proposed mergers have not been included here.

Appointments: Appointments to the Namibian Competition Commission are announced in GN 93/2010 ([GG 4483](#)), GN 141/2015 ([GG 5783](#)) and GN 3/2017 ([GG 6217](#)).

Cases:

Namibian Competition Commission & Another v Wal-Mart Stores Incorporated 2012 (1) NR 69 (SC) (section 49)

Namibian Association of Medical Aid Funds v Namibian Competition Commission (A 348/2014) [2016] NAHCMD 80 (17 March 2016), overturned on appeal in *Namibian Association of Medical Aid Funds v Namibia Competition Commission* 2017 (3) NR 853 (SC) (holding that funds established pursuant to the Medical Aid Funds Act 23 of 1995 do not fall within the definition of undertaking in this Act)

Namibian Competition Commission v Namib Mills (Pty) Ltd & Another (HC-MD-CIV-MOT-GEN-2017/00061) [2019] NAHCMD 255 (23 July 2019) (section 26, and dicta regarding section 23; section 26 must be applied on a “per se” basis - which “allows courts to presume that certain types of conduct have anticompetitive effects without engaging in a detailed analysis to ascertain whether the conduct in fact had such an effect and should be prohibited”, and “creates an irrebuttable presumption of illegality” such that “firms may not raise any defence to their alleged anti-competitive practices” - in contrast to section 23, which takes an effect-based approach).

Commentary:

- Bernhard Tjatjara, “The Competition Act, 2003: Out with the old and in with the new – Part 1”, *Namibia Law Journal*, Volume 6, Issue 2, 2014
- Diane R Hazel, “Competition in Context: The Limitations of using Competition Law as a Vehicle for Social Policy in the Developing World”, 37(2) *Houston Journal of International Law* 275 (2015), available at www.hjil.org/articles/hjil-37-2-hazel.pdf
- Patric Kauta & Mercy Kuzeeko, “Supreme Court of Namibia: NAMAFA and others v Namibian Competition Commission and another. Where is the solidarity?”, *Namibia Law Journal*, Volume 9, Issue 1, 2017
- PM Balhao, “NAMAFA v NCC: Was the wealth behind the health overlooked?”, *Namibia Law Journal*, Volume 10, Issue 1, 2018.

Related international agreements:

Agreement Establishing the African Continental Free Trade Area, 2018

SADC Declaration on Regional Cooperation in Competition and Consumer Policies, 2009
(not legally-binding; issued in terms of Article 25 of the *SADC Protocol on Trade*).

Controlled Wildlife Products and Trade Act 9 of 2008

Summary: This Act ([GG 4190](#)) implements the *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*. It repeals the Controlled Game Products Proclamation AG 42 of 1980 ([OG 4238](#)). It was brought into force on 15 February 2012 by GN 31/2012 ([GG 4883](#)).

Amendments: Act 6/2017 ([GG 6421](#)) amends sections 1, 4, 8 and 9 and Schedule 1 to increase the penalties for certain wildlife crimes and to address other crime-related matters.

Schedule 3 of the Act is substituted by GN 94/2017 ([GG 6291](#)) and by GN 122/2020 ([GG 7221](#)), pursuant to section 11 of the Act.

Regulations: There is no savings clause for anything done in terms of the repealed Proclamation (which in any event, did not seem to provide for regulations).

Regulations relating to controlled wildlife products and trade are contained in GN 144/2011 ([GG 4773](#)).

Cases: The following cases concern the Controlled Game Products Proclamation 42 of 1980 –
S v Machinga 1990 NR 157 (HC)
S v Tuzembeho 1993 NR 134 (HC)
S v Khumalo & Another 1994 NR 3 (HC).

Note: See also Nature Conservation Ordinance 4 of 1975 re: export of game and game products.

Note on possible effect of discrepancies between Appendices in Act and CITES

The Appendices to CITES can be, and regularly are, amended by “the Conference of the Parties” under Articles XV and XVI of the Convention, and the amendments enter into force automatically for all parties.

However, section 11(1) of this Act states: “Whenever Appendices I, II or III is amended [sic], the Minister *must* by notice in the *Gazette* amend Schedule 3 accordingly.” (emphasis added). In addition, section 1(3)(c) of this Act states: “Any provision of this Act is construed with reference to the Convention and any provision of the Convention is deemed to be part of this Act and for that purpose... (c) *a species is deemed to be included in an Appendix only if it appears in the relevant column of Schedule 3* and

also subject to such further qualifications as set out in the relevant entry or such further notes as may appear in that Schedule.” (emphasis added).

The problem is that the version of the Appendices which appeared in the Act for the first nine years appeared to be those that were in force in 2008, when the Act was promulgated; subsequent amendments to the Appendices were not accompanied by amendments to Schedule 3 by notice in the *Gazette*, as the Act requires, until 2017.

The version of the Appendices on the CITES website, <www.cites.org/eng/app/appendices.php>, is updated to include the latest amendments to the CITES Appendices in a convenient table format. It is advisable to consult this website for additional amendments.

In light of the sections of this Act quoted above, the question arises as to what the position would be where the Minister has not carried out the mandatory duty imposed by section 11(3) of the Act to ensure that international amendments to the Appendices are incorporated into Schedule 3.

In general, where it is clear from the language of the Act that the draftsman intended to include the text of a Convention in an Act, and got it wrong, courts will (or at least should) follow the text of the Convention. Anything else would thwart the intention of the lawmaker. But it does depend on the language of the particular Act.

The preamble to this Act states that its purpose is “To provide for the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora”. This is further emphasised by section 1(3), which provides that “Any provision of this Act is construed with reference to the Convention and any provision of the Convention is deemed to be part of this Act and for that purpose”.

However, there is a specific qualification as far as the different species in Schedule 3 are concerned: while there is a duty on the Minister to update this Schedule under Art 11, section 1(3)(c) provides specifically that “a species is deemed to be included in an Appendix only if it appears in the relevant column of Schedule 3 and also subject to such further qualifications as set out in the relevant entry or such further notes as may appear in that Schedule”.

So assume that a question arises before a Namibian court that turns on whether a species is listed in an Appendix to the Convention. It is, but in a later version not included in Schedule 3 to the Act. It seems possible that the court might follow the Schedule, and not the actual Appendix, because this law seems to be an example of the legislator intending to override or qualify the international obligation. However, there could be an ancillary action against the Minister to force him to amend the Schedule, or alternatively an action for damages if he has failed to do so and this has led to a loss (which is not an ideal remedy in the context of endangered species).

It seems unnecessary and unwise for the legislature to have required that portions of the Convention which are periodically updated be incorporated into Namibian domestic law in this way, rather than incorporating by reference the Appendices to CITES as updated from time to time.

Namibia Investment Promotion Act 9 of 2016

Summary: This Act ([GG 6110](#)) provides for the promotion of foreign and domestic investment. It also provides for the reservation of certain economic sectors and business activities to certain categories of investors – the State; Namibians and entities which are majority-owned by Namibians; joint venture partnership between Namibian investors and foreign investors; and investors which meet certain requirements (such as employment of Namibians, skills transfer, etc). The Act also provides for dispute resolution mechanisms involving investment. It repeals the Foreign Investment Act 27 of 1990, as amended; however, it provides that the Namibia Investment Centre established by Act 27 of 1990 will continue to exist as a department of the Ministry responsible for investment. The Act will be brought into force on a date set by the Minister in the *Government Gazette*.

Regulations: Regulations made under the repealed Foreign Investment Act 27 of 1990 survive pursuant to section 35(3) of this Act. Regulations made under the repealed Act are contained in GN 120/1992 ([GG 477](#)).

Regulations are authorised by section 30 of this Act, but none have yet been promulgated.

Commentary: Frederico Links, “The Namibian Investment Promotion Act Saga”, *insight* magazine, Nov/Dec 2016.

Namibia Industrial Development Agency Act 16 of 2016

Summary: This Act ([GG 6202](#)) establishes the Namibia Industrial Development Agency (NIDA) and provides for its power and duties. The Agency replaces the Namibia Development Corporation and the Offshore Development Company. The Act repeals the Namibia Development Corporation Act 18 of 1993. The Act was brought into force, with the *exception* of sections 30, 32, 33 and 34, on 1 October 2018 by GN 253/2018 ([GG 6724](#)). These sections, which concern the transfer of assets to the Agency, and amendments and repeals of other laws, were all brought into force on 15 November 2018 by GN 295/2018 ([GG 6767](#)).

Regulations: The Act makes no provision for regulations.

Cases: The following case pertains to the repealed Namibia Development Corporation Act 18 of 1993 –

Namibia Development Corporation v Visagie 18 Indus. L.J. (Juta) 657 (1997), NLLP 1998 (1) 166 NLC, appeal judgement in *Visagie v Namibia Development Corporation* 1999 NR 219 (HC) (section 29 and personnel regulations).

See also *Namibia Development Corporation v Aussenkehr Farms (Pty) Ltd* 2010 (2) NR 703 (HC).

COMMENTARY

Cons Karamata, *Review of Studies on Namibia’s International Trade Agreements*, Labour Resource and Research Institute (LaRRI), 2003, available at <http://larri-namibia.org>

Gerhard Erasmus, “Is the SADC trade regime a rules-based system?”, *SADC Law Journal*, Volume 1, 2011, available at www.sadclawjournal.org

Clement Ng’ong’ola, “Replication of WTO dispute settlement processes in SADC”, *SADC Law Journal*, Volume 1, 2011, available at www.sadclawjournal.org

Henry Kibet Mutai, “Regional trade integration strategies under SADC and the EAC: A comparative analysis”, *SADC Law Journal*, Volume 1, 2011, available at www.sadclawjournal.org.

INTERNATIONAL LAW

Global:

†*Agreement Establishing the World Trade Organization (WTO) (Marrakesh Agreement), 1994*

Protocol Amending the Marrakesh Agreement Establishing the World Trade Organisation (Agreement on Trade Facilitation), 2014

Arms Trade Treaty (ATT), 2013

Convention Establishing a Customs Co-operation Council, 1950

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973

Amendment to Article XI of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Bonn, 1979

Convention relating to International Exhibitions (Paris Convention), 1928, as revised in 1972 and amended in 1982 and 1988

Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention), 1998

Regional:

African, Caribbean and Pacific (ACP) – European Union (EU) Partnership Agreement, Cotonou (Cotonou Agreement), 2000

Amendment to the Partnership Agreement, Luxembourg, 2005

Amendment to the Partnership Agreement, Ouagadougou, 2010

*****Agreement among the Governments of the Democratic Republic of Congo, the Republic of Namibia and the Republic of Zambia on the Establishment of the Walvis Bay-Ndola-Lubumbashi Development Corridor (WBNLDC), 2010***

****Agreement Establishing a Tripartite Free Trade Area among the Common Market For Eastern And Southern Africa (COMESA), the East African Community (EAC) and the Southern African Development Community (SADC) (Tripartite Free Trade Agreement or TFTA), 2015***

Agreement for the Establishment of the Intergovernmental Organization for Marketing Information and Cooperation Services for Fishery Products in Africa (INFOPÊCHE), 1991

Agreement for the Establishment of Southern African Centre for Ivory Marketing (SACIM), 1991

Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, 2016 (published in Proc. 2/2017, [GG 6237](#))

Free Trade Agreement between the European Free Trade Association (EFTA) and the Southern African Customs Union (SACU), 2006

Agricultural Agreement between the Southern African Customs Union (SACU) States and Iceland, 2006

Agricultural Agreement between the Southern African Customs Union (SACU) States and Norway, 2006

Agricultural Agreement between the Southern African Customs Union (SACU) States and Switzerland, 2006

Preferential Trade Agreement Between the Common Market of the South (MERCOSUR) and the Southern African Customs Union (SACU), 2009

*****SADC Protocol on Industry, 2019***

SADC Protocol on Trade, 1996

Amendment Protocol on Trade, 2000

Agreement Amending Article 20 of the Protocol on Trade, 2008

****SADC Protocol on Trade in Services, 2012***

South African Customs Union Agreement (SACU), 2002

Amendments to the SACU Agreement, 2002, to institutionalise the SACU Summit, 2013

Annex E to the SACU Agreement on Mutual Administrative Assistance, 2011

Treaty Establishing the African Economic Community (AEC), 1991

Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament, 2001

Treaty of the Southern African Development Community (SADC), 1992

Protocol to the Treaty establishing SADC on Immunities and Privileges, 1992

Trade, Investment, and Development Cooperative Agreement between SACU and the United States of America (TIDCA), 2008

OTHER INTERNATIONAL DOCUMENTS

Memorandum of Understanding between the Governments of the Republics of Botswana, Namibia and South Africa on the Development and Management of the Trans-Kalahari Corridor, 2003 (non-binding; published in GN 193/2007, [GG 3927](#)).

See also **AGRICULTURE**.

See also **ALCOHOL, DRUGS AND TOBACCO**.

See also **BUSINESS**.

See also **CUSTOMS AND EXCISE**.

See also **FINANCE AND DEVELOPMENT**.

See also **GAMBLING**.

See also **IMPORT AND EXPORT**.

See also **INTELLECTUAL PROPERTY**.

See also Aquaculture Act 18 of 2002 (**MARINE AND FRESHWATER RESOURCES**).

See also **MINING AND MINERALS**.

See also **REVENUE**.

See also **TENDERS**.

See also **TOURISM**.