

SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
PROTOCOL ON FORESTRY

TABLE OF CONTENTS

PREAMBLE

ARTICLE 1: DEFINITIONS

ARTICLE 2: APPLICATION

ARTICLE 3: OBJECTIVES

ARTICLE 4: GUIDING PRINCIPLES

ARTICLE 5: TENURE AND OWNERSHIP

ARTICLE 6: INSTITUTIONAL ARRANGEMENTS

ARTICLE 7: FINANCIAL PROVISIONS

ARTICLE 8: NATIONAL FOREST POLICIES AND PROGRAMMES

ARTICLE 9: NATIONAL FOREST ASSESSMENTS

ARTICLE 10: REGIONAL DATABASE

ARTICLE 11: FOREST-RELATED LAWS

ARTICLE 12: COMMUNITY-BASED FOREST MANAGEMENT

ARTICLE 13: PARTICIPATION OF WOMEN IN FOREST MANAGEMENT

ARTICLE 14: TRANSBOUNDARY FORESTS

ARTICLE 15: PROTECTION OF FORESTS

ARTICLE 16: TRADITIONAL FOREST-RELATED KNOWLEDGE

ARTICLE 17: FOREST GENETIC RESOURCES

ARTICLE 18: INDUSTRY, TRADE AND INVESTMENT

ARTICLE 19: CAPACITY-BUILDING AND PUBLIC AWARENESS

ARTICLE 20: RESEARCH AND DEVELOPMENT

ARTICLE 21: REPORTING AND INFORMATION EXCHANGE

ARTICLE 22: CO-OPERATION WITH OTHER STATES, MEMBER STATES AND ORGANISATIONS

ARTICLE 23: SETTLEMENT OF DISPUTES

ARTICLE 24: AMENDMENTS

ARTICLE 25: SIGNATURE

ARTICLE 26: RATIFICATION

ARTICLE 27: ENTRY INTO FORCE

ARTICLE 28: ACCESSION

ARTICLE 29: WITHDRAWAL

ARTICLE 30: DEPOSITARY

ARTICLE 31: SAVINGS PROVISIONS

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 Malawi

The Republic of Mauritius

The Republic of Mozambique

The Republic of Namibia

The Republic of Seychelles
The Republic of South Africa
The Kingdom of Swaziland
The United Republic of Tanzania
The Republic of Zambia
The Republic of Zimbabwe

RECALLING that the objectives of the Southern African Development Community (SADC) include achieving development and economic growth, poverty alleviation with the ultimate objective of its eradication, and achieving sustainable utilisation of natural resources and effective protection of the environment;

RECOGNISING the intrinsic value of forests and their vital role in the functioning of the earth's ecological systems and the maintenance of all forms of life;

CONVINCED that natural forests and the unique forms of life within them must be safeguarded independent of their usefulness to humanity;

RECOGNISING the value of forests to humanity, including their role in maintaining the earth's climate, in controlling floods and erosion, as sources of clean water, food, wood and other forest products as well as having spiritual, cultural and aesthetic value to humans;

MINDFUL of the special needs of small island States, which do not have transboundary forests;

RECOGNISING that many people in the Region depend on forests for their livelihood and that sustainable forest management is essential to the alleviation of poverty;

ACKNOWLEDGING the vital role played by forest communities and other communities in the conservation and sustainable management of forests by virtue of their traditional knowledge and practices;

RECOGNISING the critical role which women play in activities that most directly affect forest management and the importance of involving women in forest management planning and implementation;

ACKNOWLEDGING the important role played by the private sector in promoting sustainable forest management and in developing forest-based industries in the Region;

UNDERSTANDING that forestry, conservation, agriculture, energy, trade, industry, tourism and environmental issues are inextricably linked, and that national and regional policies must reflect these links;

RECOGNISING the transboundary nature of some forests within the Region and the resulting importance of transboundary management strategies;

CONCERNED that some forests in the Region are being destroyed or significantly degraded due to poverty, ineffective planning and management and by other human activities;

UNDERSTANDING that the sources of potential harm to forests are not limited by

national boundaries;

REALISING that forests are a rich source of genetic resources; that they contain potentially valuable genetic material, and that some users who have gained access to genetic resources of forests have not been required to share benefits derived from their use;

CONVINCED that State Parties will benefit from regional standards for, and approaches to, forest management and the development of trade in products from sustainably managed forests;

RECOGNISING the vital role of forests in the protection of water catchments, including shared watercourses, in the Region and the responsibility of the individual Member States, within which the catchments fall, to protect and manage those forests;

RECALLING that one of the fundamental purposes of SADC is to achieve development and economic growth through regional integration and believing that regional co-operation to improve standards of forest management, use of forestry resources, and the quality of forest products in the Region, will assist in achieving this;

CONVINCED that all State Parties will benefit by mutually assisting each other to address issues of common concern, to build capacity, and to share information and expertise, in the forest sector;

MINDFUL of the need to uphold other related international and regional biological diversity and environmental obligations, including those duties contained in other Protocols and to take account of international forest-related initiatives; and

CONSCIOUS of our responsibility to our peoples and to future generations to conserve forests and to use forest resources sustainably and wisely;

HEREBY AGREE as follows:

ARTICLE 1: DEFINITIONS

1. In this Protocol, terms and expressions defined in Article 1 of the Treaty shall bear the same meaning unless the context otherwise requires.
2. In this Protocol, unless the context otherwise requires:

"alien species" means any living organism occurring outside of its natural range and includes any propagule of such an organism that might survive and subsequently reproduce;

"community-based forest management" means the management of forest resources by one or more local communities on the basis of a right to manage or to receive benefits from those forests;

"conservation" means the protection, maintenance, rehabilitation, restoration and enhancement of forests and efforts to ensure that the use thereof is sustainable;

"ecosystem" means a dynamic complex of plant, animal and micro-organism

communities and their non-living environment interacting as a functional unit;

"forest" means any ecosystem containing trees and which is so defined by national policy or legislation and includes the concepts of 'forest land', 'forest product', 'forest resource' and 'forest genetic resource';

"forest land" means any land covered by trees or which is designated in any legislation, or national or sub-national forest plan, or land-use plan as forest land or as land for afforestation or reforestation;

"forest product" means any tangible forest resource that is harvested or otherwise removed from its natural state for human use and includes products manufactured or derived from a forest resource;

"forest resource" means any thing or benefit derived from a forest, of actual or potential use to humanity, including forest genetic resource and energy;

"forest genetic resource" means any material of plant, animal, microbial or other origin, derived from a forest, containing functional units of heredity and which has actual or potential value within or outside the Region;

"forestry" means the art, science and practice of managing trees and forests on, but not limited to, forest land;

"invasive alien species" means an alien species that threatens ecosystems, habitats or species;

"local community" means a coherent, social group of persons with interests or rights related to forests or forest resources, in a particular area, which the persons hold or exercise communally in terms of an agreement, custom or law;

"State Party" means a Member State that ratifies or accedes to this Protocol;

"sustainable forest management" means the management and development of all types of forests and trees in a manner that ensures that the ecological functions of the forest are maintained and that the ecological, economic, social and aesthetic value of the forest to current and future generations is not impaired;

"traditional forest-related knowledge" means the accumulated knowledge, innovations, practices and technologies related to forests that are vital for the conservation and sustainable use of forests or which are of socio-economic value, and which have been developed over the years by local people and communities.

ARTICLE 2: APPLICATION

This Protocol shall apply to all activities relating to development, conservation, sustainable management and utilisation of all types of forests and trees, and trade in forest products throughout the Region.

ARTICLE 3: OBJECTIVES

1. The objectives of this Protocol are to:
 - a. promote the development, conservation, sustainable management and utilisation of all types of forests and trees;
 - b. promote trade in forest products throughout the Region in order to alleviate poverty and generate economic opportunities for the peoples of the Region; and
 - c. achieve effective protection of the environment, and safeguard the interests of both the present and future generations.
2. To achieve the objectives of this Protocol, State Parties shall co-operate by:
 - a. assisting and supporting each other to address issues of common concern including deforestation, genetic erosion, climate change, forest fires, pests, diseases, invasive alien species, and law enforcement in a manner that makes the best use of the technical, financial and other resources in the Region;
 - b. promoting the sustainable management of shared forests, taking into account other Protocols;
 - c. facilitating the gathering and monitoring of information and the sharing and dissemination of information, expertise and technology concerning forests, forestry and forest industries, throughout the Region;
 - d. developing human resources in the forest sector through establishing regional facilities for building technical capacity and other means;
 - e. promoting trade and investment based on the sustainable management and utilisation of forests, including developing and agreeing on common standards for sustainable forest management and forest products;
 - f. harmonising approaches to sustainable forest management, forest policy, legislation and enforcement, and issues of international concern;
 - g. promoting respect for the rights of communities and facilitating their participation in forest policy development, planning, and management with particular attention to the need to protect traditional forest-related knowledge and to develop adequate mechanisms to ensure the equitable sharing of benefits derived from forest resources and traditional forest-related knowledge without prejudice to property rights;
 - h. promoting the intangible, cultural and spiritual value of forests;
 - i. establishing equitable and efficient ways of facilitating public access to forests especially by neighbouring communities;
 - j. establishing appropriate institutions and funding mechanisms to support the implementation of this Protocol; and
 - k. taking other appropriate measures to give effect to this Protocol.

ARTICLE 4: GUIDING PRINCIPLES

1. In implementing this Protocol, State Parties shall co-operate in good faith and shall be guided by, and give effect to, the principles and approaches set out in this Article.
2. State Parties shall have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to use their forest resources to meet their environmental and sustainable development needs and a responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environments and forest resources of other states.

3. State Parties shall protect, conserve and develop their forests and ensure that forest resources are used in a way and at a rate that does not lead to the long-term degradation of the forest, thereby maintaining the potential of forests to meet the needs of present and future generations.
4. State Parties shall facilitate, promote and continually improve policy and legal frameworks that promote sustainable forest management.
5. State Parties shall endeavour to protect and, where possible, restore natural forests, to maintain the essential ecological functions of these ecosystems.
6. State Parties may, upon request, give nationals of other State Parties access to forests for cultural or spiritual purposes with due regard to national laws.
7. State Parties shall not use lack of scientific certainty as a reason for postponing measures to prevent or minimise potentially serious or irreversible harm to forests.
8. State Parties shall take appropriate measures to anticipate, prevent or minimise the causes of deforestation and other damage to or destruction of forests.
9. State Parties shall facilitate public participation in decision-making regarding the sustainable management of forests and the use of forest resources.
10. State Parties shall recognise that communities are entitled to effective involvement in the sustainable management of forests and forest resources on which they depend and to share equitably in the benefits arising from their use.
11. State Parties shall ensure that the person or entity whose wilful or negligent action, inaction or authorisation causes direct or indirect damage to forests, shall bear the cost of the elimination of such condition, or of compensation for such damage, including costs of restoration.
12. State Parties shall be encouraged to operate in partnership with non-governmental organisations, inter-governmental organisations and other entities and institutions.

ARTICLE 5: TENURE AND OWNERSHIP

1. State Parties shall ensure that the laws and agreements that regulate the use, management of, access to and tenure in state-owned forests:
 - a. give sufficient security of tenure to parties managing or using forest resources to create incentives for sustainable forest management;
 - b. clearly delineate ownership and occupancy rights.
2. State Parties shall, in taking measures to achieve the objectives of this Article, consider and where possible mitigate any potential negative effects on land tenure.

ARTICLE 6: INSTITUTIONAL ARRANGEMENTS

The Integrated Committee of Ministers may establish a sub-committee to oversee the implementation of this Protocol.

ARTICLE 7: FINANCIAL PROVISIONS

1. Projects, programmes and special studies may be financed from various sources and stakeholders such as international organisations and co-operating partners, donors or contributions by State Parties.
2. The Secretariat may accept gifts, grants, legacies, and donations from any source provided that this shall be done in conformity with the objectives of this Protocol.

ARTICLE 8: NATIONAL FOREST POLICIES AND PROGRAMMES

1. State Parties shall develop and publish national forest policies, programmes and plans, that are consistent with national land-use plans or their equivalent, as well as with this Protocol and with other relevant Protocols and policies.
2. State Parties shall regularly review and evaluate the effectiveness of national forest policies and programmes and where appropriate shall revise them to ensure that they are consistent with, and effectively implement, this Protocol.
3. State Parties shall ensure that national processes and procedures for preparing and revising national forest plans, classifying forests and establishing management plans for forests and protected areas containing forests, involve:
 - a. consultation and co-ordination and where appropriate, joint decision-making, between all relevant sectors of government, including the authorities responsible for conserving biological diversity and land-use planning; and
 - b. consultation with affected communities and private sector enterprises engaged in forestry and forest-related activities and all other relevant stakeholders and where appropriate, those processes and procedures shall be amended to ensure that they are consistent with this Protocol and with other relevant Protocols and policies.
4. State Parties shall adopt or develop and use common criteria and indicators for sustainable forest management, which provide for the evaluation of the following factors, among others:
 - a. status of forest resources;
 - b. biological diversity in forest lands;
 - c. health of forests;
 - d. productive functions of forests;
 - e. protective and environmental functions of forests;
 - f. social functions of forests;
 - g. socio-economic benefits to communities and to workers in the forest sector; and
 - h. legal, policy and institutional framework for regulating forest management and conservation, including the production and trade in forest products.

ARTICLE 9: NATIONAL FOREST ASSESSMENTS

1. State Parties shall, in conformity with any methodology developed pursuant to paragraph 2 and subject to the availability of funds and human resources, undertake and regularly update a national assessment of forests which, among other matters, shall:
 - a. encompass all forest resources and all forest lands, regardless of ownership;
 - b. include an assessment of forest resources in terms of usage, value, quantum and location, changes in forest cover and health; and
 - c. include data on other critical social, economic and environmental factors relating to forests species (indigenous and plantation), soils, climate, environment, uses of forest products, silvicultural practices, projects, extension activities, protection activities, industrial matters and standards, market and commercial issues, technical and educational services and institutions.
2. State Parties shall collaborate in developing a harmonised assessment methodology based upon the principles and criteria of sustainable forest management for the development of national forest assessments and other forest information and guidelines and standards.

ARTICLE 10: REGIONAL DATABASE

1. State Parties shall, as far as possible and within their available resources, collaborate in establishing and maintaining:
 - a. regional database on the status and trends, management and use of forest resources which includes data on all forest resources within the Region and complements existing databases in the Region; and
 - b. a market-information system for the collection, organisation and exchange of forest market and industrial information in conformity with Annex V of the Protocol on Trade.
2. Subject to paragraphs 3 and 4 of Article 21, State Parties shall ensure public access to the use of Regional database and market-information system referred to in paragraph 1 on terms and conditions of access agreed by the State Parties, which may include a requirement for all or certain users to pay a reasonable user fee.

ARTICLE 11: FOREST-RELATED LAWS

1. State Parties shall introduce, improve, implement, and enforce national legal and administrative measures to:
 - a. promote sustainable forest management based on clear policies, objectives and forest management plans, which shall, wherever possible, be based on the best available scientific and other information;
 - b. protect ecologically viable forests that are representative or unique examples of their forest type, as well as forests that have cultural, spiritual, historic, or religious value, and also to protect endangered forest species;
 - c. give interested and affected parties the right to participate in decision-making regarding natural forests and forests on public or state land, and to have access to any information held by public or private bodies that is necessary to enable this right to be exercised effectively;
 - d. ensure that major projects involving afforestation, reforestation or measures to change the species composition of existing natural forests, and any activity that may have significant adverse impacts on forests may not be undertaken except under and in accordance with an authorisation from a competent national authority;
 - e. ensure that authorisations to plant, use or manage forests are consistent with forest management plans and policies and that the procedures for awarding them are transparent and equitable and give effect to the principles contained in Article 4;
 - f. ensure that no competent national authority may make a decision on whether or not to grant an authorisation referred to in sub-paragraph (d) unless a full assessment of the environmental and social impacts of the proposed activity has been conducted and has been taken into account by the decision-maker;
 - g. ensure that the destruction of significant areas of natural forests is not authorised except in exceptional circumstances where a proposed new land use is preferable in terms of its economic, social or environmental benefits, and after carrying out a full assessment of the environmental and social impacts of the proposed destruction; and
 - h. recognise and where appropriate further the objectives of this Protocol, principles and techniques derived from traditional forest-related knowledge systems into national forest management and law

- enforcement policies and procedures.
2. State Parties shall develop effective regional means to support the enforcement, development and harmonisation of national forest-related laws.

ARTICLE 12: COMMUNITY-BASED FOREST MANAGEMENT

State Parties shall:

- a. adopt national policies and mechanisms to enable local people and communities to benefit collectively from the use of forest resources and to ensure their effective participation in forest management activities, including affirmative steps to seek and encourage such participation;
- b. develop regional guidelines and share information and expertise related to community-based forest management; and
- c. encourage local people and communities to grow and conserve trees and to integrate them into existing farming systems.

ARTICLE 13: PARTICIPATION OF WOMEN IN FOREST MANAGEMENT

- a. State Parties shall adopt national policies and mechanisms to enable the effective participation of women in sustainable forest management, including affirmative steps to seek and encourage such participation.
- b. State Parties shall develop regional guidelines and share information and expertise related to the participation of women in sustainable forest management.

ARTICLE 14: TRANSBOUNDARY FORESTS

State Parties shall, where appropriate, establish programmes and enter into agreements to promote the co-operative and integrated management of transboundary forests and protected areas.

ARTICLE 15: PROTECTION OF FORESTS

1. State Parties shall take all necessary legislative, administrative and enforcement measures to address natural and human-induced threats to forests, particularly those that may have transboundary impacts.
2. State Parties shall adopt, strengthen and implement national, and where appropriate, regional measures, which:
 - a. control human activities that threaten forests, including land and natural resource-use practices that conflict with the principles of sustainable forest management;
 - b. implement strategies for conservation of forests;
 - c. prevent and suppress uncontrolled fires, and facilitate transboundary assistance in emergency situations;
 - d. identify and control plant pests, diseases and their vectors and to develop early warning systems for these threats to forests; and
 - e. regulate and control the accidental or illegal introduction of alien species and plant pests and diseases into the Region and to control, and where appropriate eradicate, invasive alien species other than exotic trees deliberately planted in managed plantations.

ARTICLE 16: TRADITIONAL FOREST-RELATED KNOWLEDGE

1. State Parties shall recognise, respect and protect the rights of individuals and

communities over their traditional forest-related knowledge and their right to benefit from the utilisation of this knowledge.

2. State Parties, in consultation with local people and communities:
 - a. may record, preserve and protect traditional forest-related knowledge, provide for the equitable sharing of any benefits arising from the utilisation of this knowledge among those who hold it;
 - b. shall, where appropriate, develop standards, guidelines and other mechanisms in this regard.

ARTICLE 17: FOREST GENETIC RESOURCES

1. State Parties shall adopt national policies and implement mechanisms to ensure that access to the forest genetic resources is subject to prior informed consent and mutually agreed terms and that there is an equitable sharing of the benefits derived from the use of these resources.
2. State Parties shall develop a regional approach and harmonised national legislation regulating access to, and the management, development and use of forest genetic resources as well as for the equitable sharing of the benefits derived from those resources shared by more than one State Party.
3. Where any State Party is asserting a right under this Article against any third party, other State Parties shall support the assertion of such rights.
4. State Parties shall share germplasm from plant genetic resources, upon mutually agreed terms.
5. State Parties shall, for the purposes of preservation of germplasm of forest species, cooperate to further develop the forest germplasm collection in the SADC Plant Genetic Resource Centre.

ARTICLE 18: INDUSTRY, TRADE AND INVESTMENT

1. State Parties which have substantial forest-based industries within their territories, shall:
 - a. encourage and promote the establishment of regional, and where necessary, national and sub-national timber associations within the forestry sector that can play a role in achieving the objectives of this Protocol, including the development of voluntary codes of conduct, and networking for the purposes of sharing trade information;
 - b. encourage the participation of traditional, community and private-sector operators in the forestry sector in national and regional processes for the development of markets for, and trade in the products from sustainably managed forests, including, if determined to be appropriate, the development and promotion of specific voluntary certification standards and guidelines;
 - c. adopt national measures and support regional initiatives to promote investment in sustainable forest management;
 - d. support the expansion of sustainable markets and sustainable trade in forest products throughout the Region;
 - e. adopt measures for the protection of the environment and the prevention or minimisation of environmental damage from harvesting and processing of timber and other forest products;
 - f. ensure that the needs of workers in forest harvesting and processing are properly addressed in national legislation regarding their protection, safety, and health; and
 - g. ensure that forest-based industries contribute to the well-being of surrounding communities.
2. State Parties shall, acting collectively and in co-ordination with any regional programmes dealing with standards, quality assurance, accreditation and

metrology:

- a. develop standards and guidelines relating to forest products in domestic markets and the development of sustainable forest industries, which facilitate the participation of small-scale rural and local forest operators and promote the establishment and growth of industries based on sustainably harvested forest products;
- b. develop, in accordance with international trade rules, a binding system of harmonised trade regulations that:
 - i. reduces or eliminates intra-regional barriers to trade in forest products in accordance with the Protocol on Trade; and
 - ii. establishes harmonised standards for international trade in forest products from sustainably managed forests, including sanitary and phytosanitary standards relating to imported, exported and internally marketed forest products in accordance with sanitary and phytosanitary measures and standards and technical regulations on trade, as contained in the Protocol on Trade;
- c. develop specific product standards for wood and non-wood forest products, wherever appropriate to promote trade in forest products from sustainably managed forests in the Region;
- d. establish mechanisms for transboundary co-operation in enforcing controls concerning illegal trade in forest products; and
- e. adopt and apply appropriate measures to restrict or eliminate trade in protected tree species.

ARTICLE 19: CAPACITY-BUILDING AND PUBLIC AWARENESS

1. State Parties shall actively promote education, training, public awareness and capacity-building in connection with forests, forestry and forest-related activities to support the achievement of the objectives of this Protocol.
2. State Parties shall:
 - a. involve existing and new facilities and relevant institutions in the Region in education, training and capacity building in connection with forest-related activities;
 - b. co-operate and collaborate with relevant international and other training and education institutions and organisations outside the Region concerned with forests, and forestry;
 - c. promote the strengthening and development, throughout the Region, of centres of excellence in forest management, forest conservation and the production, utilisation and marketing of forest products; and
 - d. develop a regional programme for capacity-building in the forest sector, giving particular attention to the development of capacity at the rural or local level to participate in all aspects of forest management and marketing.

ARTICLE 20: RESEARCH AND DEVELOPMENT

1. State Parties shall actively promote research and development in connection with forests, forestry and forest-related activities to support the achievement of the objectives of this Protocol.
2. State Parties shall:
 - a. actively involve existing and new facilities and institutions in the Region in research and development in connection with forest-related activities, including the conservation of forests, sustainable forest management, the production, utilisation and marketing of forest

- products, and the implications to the Region of new and emerging issues and initiatives;
- b. co-operate and collaborate with relevant international and other research institutions and organisations outside the Region concerned with forests and forestry;
 - c. promote the strengthening and development, throughout the Region, of relevant centres of excellence in research and development in connection with forest-related activities;
 - d. encourage the private sector to conduct research, develop and promote technology for the sustainable management and use of forest resources, including research in:
 - i. augmentation of benefits to economies in the Region from trade in forest products;
 - ii. voluntary certification of forest industries and forest products;
 - iii. use of mechanisms provided for under other international instruments for the benefit of the forest sector in the Region; and
 - iv. development of innovative techniques and technologies that can be used in the Region.

ARTICLE 21: REPORTING AND INFORMATION EXCHANGE

1. State Parties shall, exchange data and information concerning the management of forests and the implementation of this Protocol, including data and information relating to:
 - a. status of all types of forests and trees in the Region based on national assessments undertaken in accordance with Article 9 and in conformity with any methodology developed pursuant to paragraph 2 of Article 9;
 - b. results of research relevant to the management of forests by other State Parties;
 - c. legal, administrative and other measures taken or planned to be taken to implement this Protocol; and actions taken to monitor, control and enforce legal provisions or administrative measures used to give effect to this Protocol.
2. State Parties shall consult with one another and exchange data and information on a bilateral basis whenever appropriate and, in particular, shall as soon as possible notify any potentially affected Member States of any accidents, emergencies, or other activities that have given or are likely to give rise to transboundary adverse impacts and consult with those Member States regarding measures to address any potential transboundary adverse impacts.
3. If a State Party is requested by another State Party to provide data or information that is not readily available, the former shall employ its best efforts to comply with the request within a reasonable period.
4. This Protocol shall not affect rights or obligations of the State Parties established in accordance with their domestic laws, regulations, administrative provisions or accepted legal practices and international agreements to protect information relating to personal data, intellectual property, confidential industrial or commercial information, or national security.
5. State Parties shall respect the confidentiality of the information in the course of the exchange of information received under this Protocol and shall use that information only for purposes for which it was supplied.
6. A State Party that owns commercially relevant information may charge any person, including another State Party, a reasonable fee for access to that information.

ARTICLE 22: CO-OPERATION WITH OTHER STATES, MEMBER STATES AND ORGANISATIONS

1. State Parties shall endeavour to obtain the assistance and co-operation of other states and organisations in achieving the objectives of this Protocol.
2. State Parties shall, where appropriate, co-operate with other Member States that are not party to this Protocol.

ARTICLE 23: SETTLEMENT OF DISPUTES

Any dispute arising from the interpretation or application of this Protocol, which cannot be settled amicably, shall be referred to the Tribunal.

ARTICLE 24: AMENDMENTS

1. Any State Party may propose amendments to this Protocol.
2. Proposals for amendments to this Protocol may be made to the Executive Secretary who shall duly notify all Member States of the proposed amendments at least thirty (30) days in advance of consideration of the amendment of the State Parties, but such period of notice may be waived by the Member States.
3. Amendments to this Protocol shall be adopted by a decision of three quarters of all the State Parties and shall become effective thirty (30) days after such adoption.

ARTICLE 25: SIGNATURE

This Protocol shall be signed by the duly authorised representatives of the Member States.

ARTICLE 26: RATIFICATION

This Protocol shall be subject to ratification by the signatory States in accordance with their respective constitutional procedures.

ARTICLE 27: ENTRY INTO FORCE

This Protocol shall enter into force thirty days after the deposit of instruments of ratification by two-thirds of the Member States.

ARTICLE 28: ACCESSION

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

ARTICLE 29: WITHDRAWAL

- a. Any State Party may withdraw from this Protocol upon the expiry of twelve (12) months from the date of giving the Executive Secretary a written notice to that effect.
- b. Any State Party that has withdrawn pursuant to paragraph 1 of this Article shall cease to enjoy all rights and benefits under this Protocol upon the withdrawal becoming effective but shall remain bound by the obligations under this

Protocol for a period of twelve (12) months from the date of giving notice to the date the withdrawal becomes effective.

ARTICLE 30: DEPOSITARY

1. The original text of this Protocol and all instruments of ratification and accession shall be deposited with the Executive Secretary who shall transmit certified copies to all Member States.
2. The Executive Secretary shall register this Protocol with the Secretariat of the United Nations and the Commission of the African Union (AU).

ARTICLE 31: SAVINGS PROVISIONS

Nothing in this Protocol shall derogate or be construed to derogate from existing agreements entered into between:

- a. two or more State Parties;
- b. a State Party and a Member State; and
- c. a State Party or a third state or organisation; on any activity related to forestry provided that State Parties shall endeavour to give effect to such agreements and any rights acquired or obligations assumed thereunder in conformity with the guiding principles prescribed in Article 4 of this Protocol.

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

DONE at Luanda this 3rd day of October, 2002 in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.