



Since 1910

# SACU News

SOUTHERN AFRICAN CUSTOMS UNION

Quarterly Newsletter

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**P2**

SOUTHERN AFRICAN  
CUSTOMS UNION 28TH  
COMMISSION AND 26TH  
COUNCIL MEETING, 2012

**P3**

MOREMI: BUILDING  
SACU AN INSTITUTION  
AT A TIME

**P5**

LAUNCH OF THE  
SACU STATISTICAL  
DATABASE

# TABLE OF CONTENTS

- 3 Southern African Customs Union 28th Commission and 26th Council Meeting, 2012
- 4 Moremi: Building SACU an institution at a time
- 6 Launch of the SACU Statistical Database 28 February 2012
- 6 Congratulatory Message 22nd Independence Anniversary Celebrations
- 7 Highlights of the 2012/2013 Budget Presentations
- 8 Diplomacy Training for Secretariat Staff
- 10 The SACU-WCO Customs Development Programme
- 12 Schedule of SACU Meetings for 2012





# SOUTHERN AFRICAN CUSTOMS UNION 28TH COMMISSION AND 26TH COUNCIL MEETING, 2012



The Chairperson of Council Hon. Jabulile Mashawama Minister of Commerce, Industry and Trade, Swaziland flanked by Ms Tswelopele Moremi SACU Secretariat Executive Secretary, Chairman of Commission Mr Cyril Kunene, Principal Secretary Ministry of Commerce, Industry and Trade, Swaziland and Mr Dumisani Mahlinza, Director Trade Facilitation and Revenue Management



Delegations from SACU Member States during the 26th SACU Council of Ministers Meeting 30 March 2012, Centurion Lake Hotel, South Africa.

**The Southern African Customs Union held its 28th Commission & 26th Council Meetings from the 26 -30 March, 2012. The venue of the meetings was the Centurion Lake Hotel, South Africa. During the official opening of the 26th Council Meeting the Chairperson of Council, Hon. Jabulile Mashwama, Minister of Commerce and Trade, Swaziland, made the following remarks;**

It is a great honour and privilege for me to welcome you all to this 26th Meeting of the SACU Council of Ministers. On behalf of all of us, let me take this opportunity to thank the Government of South Africa for the warm hospitality and the excellent arrangements made for this meeting.

As we meet here today, there is a glimmer of hope that the global economy is well on its way to recovery, although challenges still remain. There is improved confidence on the management of the European sovereign debt crisis and the performance of the US economy. The outlook for the Asian and South American economies is also looks positive.

The recent fifth joint African Union - Economic Commission for Africa Conference of African Ministers of Finance, Planning and Economic Development has correctly noted that the slowdown in global economic growth is making Africa a magnet for investments and a safe heaven for international capital. The potential for Africa to become an important growth hub is enhanced by the rich natural resource endowments; stable population growth to support labour supply; stable macroeconomic environment; and an improved governance and business climate in many African Countries.

SACU has to take steps to harness these potential benefits through a coordinated regional approach on infrastructure development that will enhance SACU's attractiveness as a destination of choice for investment. There is a need to accelerate investment in technology as well as enhance the potential for our productive sectors, particularly the export sector. There is also a

need to refocus our support and funding towards education and health services in the Member States for better social outcomes that support growth.

In this respect, I wish to acknowledge the similarity of emphasis in Member States' budget speeches for the 2012/13 financial year. Each underscores the important role of infrastructure development in achieving economic growth. The pace at which the infrastructure projects are implemented and the manner in which they are implemented will be important for the growth and development of our economies going forward.

Turning to the agenda for this morning, I note that we have a number of important issues to deal with. During this meeting we will, amongst others, consider progress on the Review of the Revenue Sharing Arrangement; the Industrial Development Policy; the trade facilitation programme; the trade negotiations agenda and the construction of the SACU Headquarters building. In addition we will also consider the institutionalisation of the SACU Summit; the Issues Paper to be discussed at the Ministerial Strategic Retreat and note the update on the development of a strategy on how to engage non-state actors in the SACU work programme.

I am aware that the Commission had extensive discussions on these issues over the last few days. We look forward to receiving the reports of the progress achieved. With these few remarks, I would like us to turn to our agenda for the day. In doing so, may I also wish us fruitful deliberations.



## *Much is at stake this year for the five-member Southern African Customs Union (SACU)*

**T**he world's oldest customs union (formed in 1910) is busy trying to set up the remaining regional institutions, which should serve eventually to transform it into an economic community.

While acknowledging the enormous challenges of building the organization from scratch, SACU's founding Executive Secretary Tswelopele Moremi remains optimistic.

In fact, she waxes confident about the momentum building towards the establishment of these remaining institutions- the SACU Tribunal and the SACU Tariff Board. Moremi, a former permanent secretary at the Ministry of Trade and industry in Botswana was appointed in January 2004 to set up the SACU Secretariat- one of the three independent SACU institutions.

Eight years later after her landing in Windhoek, Namibia, the Secretariat is now fully operational and has set its eyes on complying with all provisions of the all inclusive and democratic 2002 SACU Agreement. Moremi is currently engrossed in yet another mammoth task- the construction of SACU's headquarters in Windhoek.

In an interview she stated that a site has already been identified for the headquarters and that the Secretariat is working with architects, quantity surveyors and engineers in finalizing the detailed drawings, which will be used in the tendering process. Unlike the US\$ 200 million African Union (AU) headquarters building in Addis Ababa, which was donated free of charge by the Chinese government recently, SACU has secured funding from member states towards the construction of its headquarters. Preparations are being made to advertise the tender for construction, which is expected to start in June this year, in all the five member states.

But while the physical structures are sprouting, the Secretariat has also to contend with some of the most vexing problems that have even threatened to split the union before. One such is the issue of revenue sharing formula. SACU still has to agree on an equitable formula for sharing of revenues. This comes after SACU Council of Ministers threw out a consultancy report by an Australian company- Centre for International Economics (CIE)- in June 24, 2011 whose recommendations did not sit well with the majority of member states.

Moremi is modest when asked about the CIE report: "SACU Council of Ministers took note of the report and concluded that it will constitute a useful input into the overall process of the review of the revenue sharing arrangement. Consequently Council established a Task Team of senior Finance officials to consider options for the new revenue sharing arrangement."

Between September and December 2011 the Task Team held three meetings to deliberate on "possible options" for the new revenue sharing arrangement based on submissions made by member states. All member states presented their preferred options for the revenue sharing arrangement. These proposals are however not final and are still subject to "national consultations" and "clearance" by the cabinets and parliaments, according to Moremi.

Although she could not give a time-line for the conclusion of this work she draws inspiration from the pronouncement by Heads of State and Government at their 25 March 2011 Summit in Pretoria, that this issue must be "treated with urgency," and concluded "as soon as practically possible."

The management of the Common Revenue Pool (CRP) presents yet another daunting task for the five member states- Botswana, Lesotho, Namibia, South Africa and Swaziland. According to Article 32 of the SACU Agreement, "all customs, excise and additional duties collected in the Common Customs Area shall be paid into the Common Revenue Pool" within three months of the quarter of a financial year. Further Article 33 provides for the management of the CRP, that "A member state or SACU institution may be appointed by the Council to manage the Common Revenue Pool," and further that "South Africa shall manage the Common Revenue Pool for a transitional period of two years from the entry into force of this Agreement."

The Agreement came into force on 15 July 2004 following ratification by all the member states.

All things equal, South Africa should have ceased this undertaking by July 2006, but this has not been the case owing to the protracted negotiations, which dealt with among others, the issue of "cost sharing in the management of the Common Revenue Pool." As a result, Moremi says South Africa's mandate to manage the CRP was extended.

The 2010/11 SACU annual report corroborates this. It says that the SACU Council of Ministers signed a Memorandum of Understanding (MoU) in December 2010 on the "Transitional Arrangement for the Management of the Common Revenue Pool." The MoU ostensibly formalises the current arrangement whereby South Africa (ITAC) manages the CRP on a transitional basis.

According to the report the MoU outlines the "operational modalities" and "responsibilities" of South Africa as the transitional manager of CRP as well as the "role of the Secretariat and Member States." The MoU will be in force until

*Continues on page 5*



such time that a “long term arrangement” for the management of the CRP is concluded. Moremi insists that the Secretariat is actively pursuing efforts to develop an “Annex on the Long Term Arrangement for the Management of the CRP,” which would act as a “more binding tool” for the management of the CRP. The Annex will be presented to Council for approval during the next financial year.

In between these activities however, the Secretariat is also seized with other equally pressing issues that compliment the CRP and the RSF. According to the recently released annual report the works include the development of an online economic and trade statistics database, which will be a tool used to monitor the performance of Member States in achieving the objective of economic development, industrialisation and competitiveness. The database, according to the annual report will also inform the process of policy development as well as trade negotiations. It is hoped the database will be launched towards the end of the next financial year.

Yet another hurdle the Secretariat has to contend with is the ‘harmonisation of Gross Domestic Product (GDP) compilation.’ Already, technical work has been started to “standardise the compilation of taxes on products,” focusing on the “classification of SACU receipts” in the National Accounts. The report shows that member states are preparing to migrate to System of National Accounts (SNA), which will be rolled out in 2014.

Other studies include one on trade data limitation, which strives to improve trade data reliability and timeliness. Moremi is confident that these milestones confirm SACU's will to migrate towards a deeper integration within itself in the first instance.

At present only the SACU Tribunal and the Tariff Board have not been established. The Summit of Heads of State and Government is yet to be institutionalized, while the SACU Commission, Council of Ministers and Technical Liaison Committees are all functional. Once operational Moremi says the Tribunal will be the judicial organ of SACU and shall adjudicate over disputes regarding the application of the SACU Agreement or on any dispute arising from the normal operations and implementation of SACU Agreement.

The SACU Tariff Board will administer the SACU tariff regime and make recommendations to Council of Ministers on the

changes to customs, anti-dumping, countervailing and safeguard duties for goods imported into SACU territories as well as on the level of rebates, refunds and duty drawbacks applicable in SACU.

Moremi says a draft Annex on the operationalisation of the Tribunal setting out its functions its jurisdiction, who can access it, appointment of judges and the Registrar as well as mechanisms for enforcing its judgments-has been developed and is being discussed by member states. The Tribunal will only become operational once member states have adopted and ratified the Annex, according to Moremi.

As for the Tariff Board, member states have to establish their National Bodies in order to operationalise the Tariff Board.

The National Bodies will receive requests for tariff changes; carry out preliminary investigations and recommend tariff changes necessary to the Tariff Board. Moremi says that in order to discharge this mandate, National Bodies must adhere to similar procedures in all member states. Thus far, she says a “Model Law” was adopted by the member states as a basis to enact national legislation for the designation or appointment of national institutions to serve as National Bodies.

With the exception of South Africa, which already boasts the International Trade Administration Commission (ITAC) as its National Body, other member states are at different levels of establishing their respective National Bodies. The process of enacting legislation for the establishment of National Bodies in other member states is expected to be complete by the end of 2012.

Moremi says that a Task Team on the establishment of the National Bodies is “in place to facilitate” the establishment of the Tariff Board and National Bodies. Although transformation of the oldest customs union is bound to be a long and complex process, which will of necessity involve long negotiations among member states, Moremi takes assurance on the fact that the “first steps” have already been taken with the defining of the new vision and mission by the Heads of States and Government in April 2010.



# LAUNCH OF THE SACU STATISTICAL DATABASE

## 28 FEBRUARY 2012

### Remarks of the SACU Secretariat Executive Secretary on the occasion of the Launch of the SACU Statistical Database

I would like to welcome everyone to the launch of the SACU Statistical Database. Let me also welcome the consultants from Digital Plus, Mr. Alex Muluwe, Chief Solutions Architect and Mr. Alinani Simuchimba, Software Developer.

SACU Secretariat initiated the development of a statistical database partly as a response to increasing requests for SACU trade and economic data from external stakeholders and most importantly, for internal use at the Secretariat. The database will also be used as a tool to monitor the performance of the SACU Member States in achieving the objective of economic development, industrialization and competitiveness. It will also inform the processes of policy development and trade negotiations.

Thus, the Secretariat approached Digital Plus, the company that also developed the COMESA online database to develop the SACU statistical database. And in this process we also acknowledge the assistance we got from COMESA Secretariat with the training on Eurotrace software, and their contribution

on preparing trade data from SACU Member States for the database. The project was supervised by a project team consisting of representatives of the different departments namely; David Maleleka, Abel Sindano, Richard Yawe, Motselisi Matsela and Khutsafalo Sekolokwane.

Therefore, today marks a formal launch of the SACU database, and we will have an opportunity to see the database portal that has been developed. Digital Plus consultants will present to us how the portal works and how to use it. The database will be made accessible to the professional staff for the initial period of two weeks with the aim of soliciting comments for improvements before the database can be made accessible to the public by mid-March 2012. While database has data from all Member States, I note that there were delays in uploading of South African trade data, and this will be done within a period of four weeks.

Finally, let me take this opportunity to wish Mr. Alex Muluwe and Mr. Alinani Simuchimba a wonderful stay in Windhoek and a safe journey back to Lusaka.

I thank you

## CONGRATULATORY MESSAGE 22ND INDEPENDANCE ANNIVERSARY CELEBRATIONS

On the 21st of March 2012, Namibia celebrated twenty two (22) years of Independence. The SACU Secretariat through the Executive Secretary's Office joined hands with the People of Namibia in Commemoration of this milestone.

The SACU Secretariat would like to congratulate the Government and people of the Republic of Namibia on the occasion of their 22nd Independence Anniversary. The Government of the Republic of Namibia has indeed come a long way since 1990 and their contribution to the growth and development of the national economy as well as contributions in influencing the regional agenda has not gone unnoticed.

The Independence of the Republic of Namibia in 1990 acted as one of the important catalysts to the negotiations of the 1969 SACU Agreement and ultimate adoption of the present SACU Agreement, 2002. The Independence of Namibia meant that the country could now be recognised in its own right as a full party to the Southern African Customs Union Agreement. Namibia actively participated in the negotiations leading to the signing of the 2002 SACU Agreement. Further to that, Namibia has played an important role in the implementation of the 2002 SACU Agreement and influencing the changes enshrined in the 2002

Agreement. Their persistent call for industrialisation of the entire SACU region and the establishment of Institutions to guide the operation of the Customs Union have influenced the new SACU work programme which is anchored on regional industrial development.



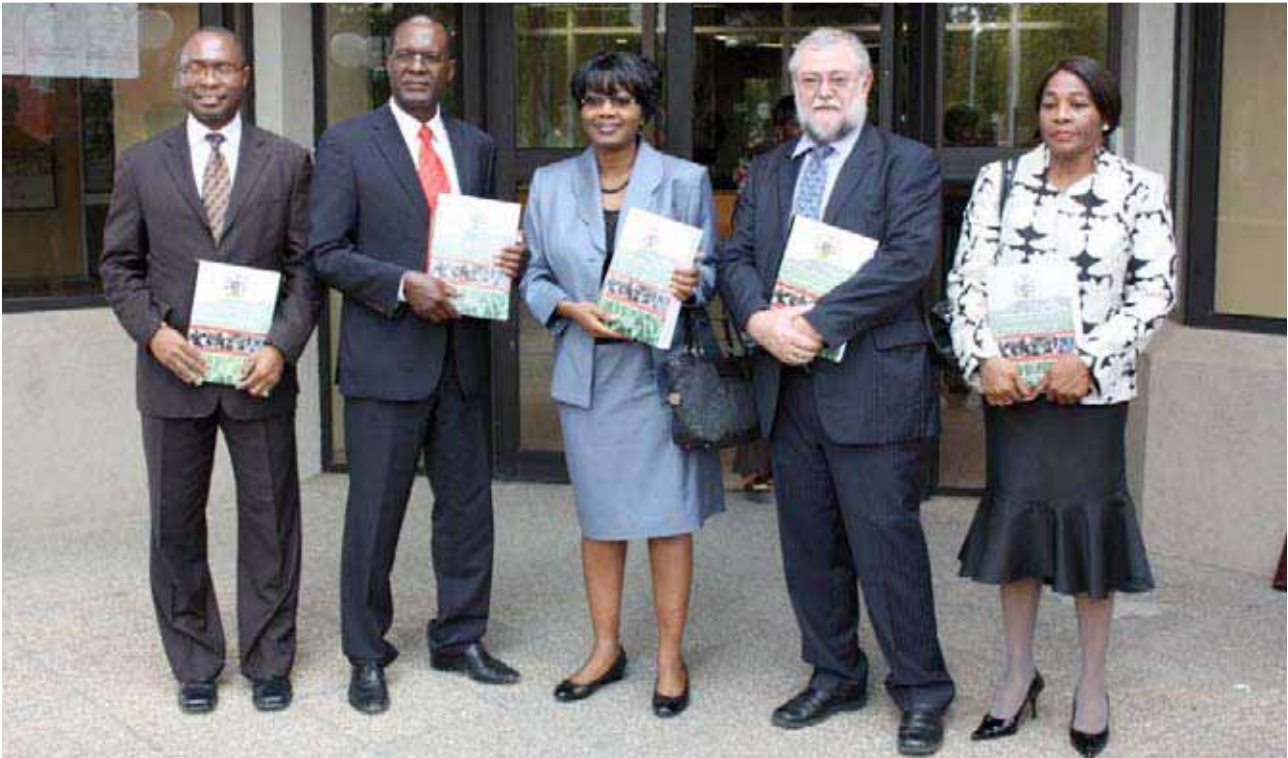
On the 22nd April 2010, Namibia successfully hosted the first ever SACU Heads of State and Government Summit, which marked the centenary of SACU and also launched a new Mission and Vision for the Organisation. In the process, the Government of Namibia set the standard for the hosting of such events in SACU. For this, the SACU Secretariat, which is headquartered in Windhoek, is truly grateful.

It is therefore my singular honour, on behalf of SACU as well as on my own behalf to extend a congratulatory message to the people and Government of the Republic of Namibia on the occasion of their 22nd Independence Anniversary.

I thank You!







SACU Executive Secretary Ms. Tswelopele Moremi Posing with Minister of Finance for Namibia Mrs. Saara Kuugongelwa-Amadhila Centre, flanked on the left by the Deputy Minister of Finance Mr. Calle Schlettwein, on the right by National Director Planning Commission Mr. Tom Alweendo and The Governor of the Bank of Namibia, Ipumbu Shiimi, during Namibia Budget Speech Presentation, Windhoek 28th February, 2012.

## ***During this first quarter, SACU Member States presented their National Budgets to their respective Parliaments***

The first country to present was Lesotho on 18th January followed by Botswana on 3rd February, Swaziland on 17th February, South Africa on 22nd February and finally Namibia on 28th February 2012.

The 2012/13 Budget presentations were made against the backdrop of continuing global economic uncertainty emanating from the unresolved sovereign debt crisis in the Euro Zone and a slowdown in economic growth in the US. Global output has had to be revised downwards to 4 percent for both 2011 and 2012 from the initial projections of 4.3 percent and 4.5 percent, respectively.

The SACU economies experienced an economic slowdown in 2011; however, economic growth is expected to show signs of recovery for most of the economies in 2012: Botswana (4.4%), Lesotho (3.4%), Namibia (4.8%), South Africa (2.7%) and Swaziland (0.8%).

The main focus for the 2012/2013 national budgets was consolidating macroeconomic management and infrastructure development. The following aspects were emphasised;

- a) Provision of public services, in particular education and health,
- b) Job creation,
- c) Poverty reduction,
- d) Infrastructure development, and
- e) Maintenance of sustainable debt levels.

All Member States are projecting an improved fiscal balance for 2012/2013 with Botswana and Swaziland estimating a small surplus. While debt levels are increasing, they remain within sustainable levels in 2012/2013.

## **Professor Earle Taylor of the Centre for Professional Development of The International University of Management facilitated a two day intensive 4 module course in Contemporary Diplomatic Practices and Protocols, for SACU Secretariat Staff on 8 & 9 March 2012**

The Executive Secretary during the official opening of the training stated that the Secretariat is one of the SACU institutions, established under the SACU Agreement, 2002. Under this Agreement, the Secretariat is tasked with the responsibility of the day to day administration of SACU. Consequently, the nature of the business of the Secretariat requires a fair appreciation of international relations and diplomatic practice by all Staff as they operate within an international environment. In line with the SACU policies, Staff of the Secretariat who discharge this mandate, come from different national, technical and cultural backgrounds from all the five SACU Member States, who may not all necessarily have been exposed to the world of diplomacy.

Taking this into account, the leadership in the Secretariat has deemed it fit to arrange this training to equip staff with the necessary appreciation and skills to discharge their mandate. Although this training has in the past not been provided on a more regular basis, this is the third session that is being convened since the Secretariat started operating in 2004. Let me assure you that going forward, it is the commitment of the leadership in the Secretariat that similar training will be undertaken on a more regular basis as part of the induction programme. In addition, refresher sessions will be arranged to ensure that all Members of Staff keep abreast of developments in this area.

The basis for the training is largely informed by the SACU Agreement of 2002, as well as the Headquarters Agreement that has been signed between SACU and the Republic of Namibia to host the headquarters of SACU. In terms of these legal instruments, the Secretariat and its staff are given the parameters within which to discharge their functions. It is within this context that issues of a seemingly conflicting nature may also arise, for which interventions such as this Workshop, assist in providing a common understanding to all Staff.

The training was over a two day period and it covered issues relating to Diplomatic Theory, Practices, Protocols and Etiquette for Efficient Mission Operations.

Diplomacy, as we have come to know it, is the functional art and skill used in negotiating and of knowing how to foster effective interactions and relationships in positive ways, even in face of serious conflict, and adversity, without resorting to destructive and distortive means, behaviour, arguments or provocative engagements.

Up until the late 80's Diplomacy was a highly guarded discipline and profession, privileged to only a few 'club Members' who were selected by their Heads of State on Ministry of Foreign Affairs on the basis of their comrade and loyalty to individuals,

*Continues on page 9*







*Mohammed Hooisan, Finance Manager receives his Competence Certificate from the Principal of the Centre for Professional Development of The International University of Management, Mrs. Virginia Namwandi with Professor Earle Taylor looking on.*

party, and who by faithful and demonstrated service, showed that they could keep a secret well. The discipline has grown to cover Technical Diplomacy. Technical Diplomacy although not new to the business world, is one of the newest recognitions to the field of diplomacy and it refers to the strategy that combines technical expertise with diplomatic skills to achieve/advance a specific goal, which might be single polar or multi-polar. Technical diplomats cover a wide range of disciplines from hard science to the soft sciences, economics, IT, art, culture, music, environment, narcotics, law and many others. Technical diplomats form the core technical assistance and development aid, the core of specialised regional, international and multilateral organisations like SACU, WTO, ILO WHO, SADC and many others.

During the training participants are also schooled on Office etiquette. This is meant to ensure that staff do not under dress for different functions and activities. Office etiquette, which relates to acceptable behaviour in the office environment as well as time management.

Officials from the Ministry of Foreign Affairs also made presentations in relation to the SACU Head Quarters agreement that was signed between the SACU Secretariat and the Government of Namibia, as the host Country.

At the end of the two days participants were awarded with certificates of competence

# THE SACU-WCO CUSTOMS DEVELOPMENT PROGRAMME

## *The Southern African Customs Union (SACU) move towards deeper integration for the benefit of economic growth and development in the region through trade facilitation*

This Programme builds upon the progress under the five Customs Initiatives that SACU pursued since 2004. Through successful assimilation of this programme, SACU Member States' governments, the trading community and its trade partners will derive numerous benefits:

- Reduced costs to the trading community and reduced clearance times through streamlined and harmonized customs procedures
- Increased competitiveness of businesses in the region through the implementation of a regional authorized economic operator scheme that provides for mutual recognition of traders within the union
- Improved level playing field for businesses through predictable and transparent Customs procedures and Customs legislation that recognizes the significance and support use of modern Customs techniques

- Strengthened cooperation between various regional stakeholders, Customs services and the private sector
- Attractive investment climate and stable revenue collection through application of modern Customs procedures and strengthening the capacity of Customs administrations regionally

In the longer run this will increase competitiveness among local businesses, improve compliance and trade facilitation for legitimate trade thus contributing towards the economic development of the region.

This also without doubt gives SACU more edge to compete globally.

### Our Partners



This Programme is funded by the Swedish International Development Cooperation Agency



This programme benefited from the international standards, Customs expertise, advisory support and fund acquisition/fund management of the World Customs Organization

### Key Programme Components

The programme aims at a comprehensive regional Customs modernization with focus areas of:

<b>Regional Customs Policy</b>	Development of common regional policies that will guide immediate and long run SACU Customs modernization agenda
<b>Customs Legislation</b>	Provision of a similar regional Customs legislative framework throughout the SACU region
<b>Risk Management</b>	Development of common and harmonized risk management policies and methodologies for the SACU region
<b>Trade Partnerships</b>	Establishment of partnerships that mutually benefit both SACU Customs administrations and the trading Community
<b>Standard Operational Customs Procedures</b>	Development of regional standard operating procedures that are aligned with international customs standards in the areas of import, export and transit
<b>IT Connectivity</b>	Establishment of coherent information technology parameters that provide for exchange of information between customs administrations in the region

*Continues on page 11*



# THE SACU-WCO CUSTOMS DEVELOPMENT PROGRAMME

Continued from page 10

## Programme Milestones

- Development of Regional Policies and approval by SACU Council of Ministers
- Development of Regional Preferred Trader and AEO programme
- Establishment of Regional Stakeholder forum
- Pilot PT programme
- Agree regional Framework on Risk Management and Enforcement
- Launch PT trader regional Programme
- Launch Regional Customs to Business Forum.
- Review pilots
- Provide training on Risk Management and AEO
- Build National Preferred Trader Programmes in Member States
- Define regional IT Connectivity Parameters and information sharing framework

## Some Programme background

In 2009, SACU launched this 3-year Customs Development Programme with the endeavour of a deeper regional integration through the adoption of common regional customs policies and procedures. The programme rests on the three pillars as pronounced in the SACU Customs Policy framework namely; trade facilitation, economic protection, border controls and protection of society.

The Programme governance structure consists of a Steering Committee made up of representatives of the SACU Customs administrations; a Regional Programme Manager and five National Project Managers in the 5 SACU Member States. Each National Project Manager is responsible for one core project with the Regional Programme Manager being responsible for the overall programme overview and the specific Policy development project. The programme started with the development of regional Customs policies and this will pave the way for development of harmonized procedures, adoption of a risk management framework, establishment of information sharing mechanisms and strengthened Customs-to-Business Partnership across the region.

***“The SACU-WCO Customs Development Programme is the flagship of our trade facilitation agenda. Its***

***implementation could not have come at a better time when SACU celebrates 100 years in existence and with the adoption of new Vision and Mission by SACU Heads of State and Government aimed at directing SACU into the future with a view to position SACU as an engine for regional integration and development in Southern Africa.” Ms. T.C. Moremi, Executive Secretary of SACU.***

## Contact

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### The National Project Managers in SACU Customs administrations



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# SCHEDULE OF SACU MEETINGS FOR 2012

Activity	Dates	Venue
<b>1<sup>st</sup> Quarter 2012</b>		
SACU Commission	26 <sup>th</sup> – 29 <sup>th</sup> March	South Africa
SACU Council	30 <sup>th</sup> March	South Africa
SACU Ministerial Retreat	18 <sup>th</sup> – 20 <sup>th</sup> May	TBA
<b>2<sup>nd</sup> Quarter 2012</b>		
SACU Commission	25 <sup>th</sup> – 28 <sup>th</sup> June	Namibia
SACU Council	29 <sup>th</sup> June	Namibia
<b>3<sup>rd</sup> Quarter 2012</b>		
SACU Commission	17 <sup>th</sup> – 20 <sup>th</sup> September	Swaziland
SACU Council	21 <sup>st</sup> September	Swaziland
<b>4<sup>th</sup> Quarter 2012</b>		
SACU Commission	3 <sup>rd</sup> – 6 <sup>th</sup> December	Namibia
SACU Council	7 <sup>th</sup> December	Namibia

## External Events To Note

16 <sup>th</sup> COMESA Summit	30 – 31 October, 2012	TBA
2012 Annual Meetings of the IMF & World Bank	12 <sup>th</sup> – 14 <sup>th</sup> October	Tokyo, Japan
AGOA Forum	18 – 19 June, 2012	Washington, DC, USA
APEC Finance Ministers Meeting	10 November	USA
APEC Summit	8- 9 September	Vladivostok, Russia
APEC Trade Ministers Meeting	23 May	USA
AU Summit	June/July 2012	Malawi
G20 Summit	June	Los Cabos, Mexico
SADC Summit	August	TBA
World Economic Forum on Africa	9 <sup>th</sup> – 11 <sup>th</sup> May	Ethiopia
WTO Trade Ministers Meeting	TBA	TBA