

**The Southern African Development Community (SADC) trade legal instruments
compliance with certain criteria of GATT Article XXIV***

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SUMMARY

Article XXIV of the General Agreement on Tariffs and Trade (GATT) lays down the legal principles with which regional trade agreements have to conform. Based on these principles, WTO members have the mandate to determine the legality of Regional Trade Agreements (RTAs) under the GATT. Article XXIV permits both regional and bilateral preferential trade agreements leading to the formation of customs unions and free trade areas, and seeks to integrate them in the multilateral trading system envisioned for the world. SADC is an RTA created under this Article. Notwithstanding the controversies surrounding the provisions and interpretation of Article XXIV, this paper seeks to establish the extent to which the SADC Protocol on Trade and free trade area comply with WTO rules. An analysis of selected Article XXIV provisions and the SADC Trade Protocol provisions will be undertaken in trying to establish this compliance.

KEYWORDS: SADC; GATT; WTO and regional trade agreements.

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